

# HOUSE BILL No. 1201

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2-40; IC 3-10; IC 3-11; IC 3-13-10-1; IC 6-1.1; IC 6-1.5-5; IC 6-2.5-8-1; IC 12-14-30; IC 12-20-1-5; IC 13-25-6; IC 14-21-1-13.5; IC 15-3; IC 16-31-5-1; IC 16-41-19-7; IC 22-11-14; IC 22-12-1-18.7; IC 23-14; IC 32-21-2-13; IC 32-26; IC 34-30-2-58; IC 36-1-8-17; IC 36-2; IC 36-5-1-3; IC 36-6; IC 36-8; IC 36-9; IC 36-10; IC 36-12.

**Synopsis:** Elimination of townships outside Marion County. Effective January 1, 2011, makes the following changes in all counties except Marion County: (1) Abolishes township governmental functions. (2) Abolishes the office of township assessor, and transfers the duties and responsibilities of the township assessor to the county assessor. (3) Abolishes the offices of township trustee and township board (including duties and responsibilities related to township assistance, fire protection, cemetery maintenance, parks and recreation, and libraries), and transfers the duties and responsibilities of the township trustee and township board to the county. (4) Establishes a firefighting fund. (5) Establishes a cumulative building and equipment fund for firefighting. (6) Transfers township fund balances to the county and specifies the permitted use of the money. (7) Makes township indebtedness an obligation of the county, and requires the county to use money transferred from the township to pay the indebtedness. (8) Allows the county to levy property taxes to pay indebtedness not covered by money transferred from the township, and specifies the areas in which the taxes may be levied. (9) Increases the county's maximum property tax levy based on the assumption of former township duties, and establishes a separate county maximum property tax levy for firefighting. (10) Provides that the county assessor is a nonvoting member of the property tax assessment board of appeals.

**Effective:** July 1, 2008; January 1, 2011.

**Stevenson**

January 10, 2008, read first time and referred to Committee on Local Government.



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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1201

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-5-2-40 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2008]: Sec. 40. "Precinct" means a subdivision  
3 of a county ~~or township~~ established for election purposes.

4 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.164-2006,  
5 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2008]: Sec. 19. (a) The ballot for a primary election shall be  
7 printed in substantially the following form for all the offices for which  
8 candidates have qualified under IC 3-8:

### 9 OFFICIAL PRIMARY BALLOT

10 \_\_\_\_\_ Party

11 For paper ballots, print: To vote for a person, make a voting mark  
12 (X or ✓) on or in the box before the person's name in the proper  
13 column. For optical scan ballots, print: To vote for a person, darken or  
14 shade in the circle, oval, or square (or draw a line to connect the arrow)  
15 that precedes the person's name in the proper column. For optical scan  
16 ballots that do not contain a candidate's name, print: To vote for a  
17 person, darken or shade in the oval that precedes the number assigned

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to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB \_\_\_\_\_

☐ (2) CD \_\_\_\_\_

☐ (3) EF \_\_\_\_\_

☐ (4) GH \_\_\_\_\_

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

~~(5) Township offices:~~

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- 1           ~~(A)~~ Township assessor.  
 2           ~~(B)~~ Township trustee.  
 3           ~~(C)~~ Township board member.  
 4           ~~(D)~~ Judge of the small claims court.  
 5           ~~(E)~~ Constable of the small claims court.  
 6       ~~(6)~~ **(5)** City offices:  
 7           (A) Mayor.  
 8           (B) Clerk or clerk-treasurer.  
 9           (C) Judge of the city court.  
 10          (D) City-county council member or common council member.  
 11       ~~(7)~~ **(6)** Town offices:  
 12           (A) Clerk-treasurer.  
 13           (B) Judge of the town court.  
 14           (C) Town council member.  
 15       **(c) The following offices shall be placed on the primary election**  
 16 **ballot in the following order after the offices described in**  
 17 **subsection (b):**  
 18           **(1) Township assessor.**  
 19           **(2) Township trustee.**  
 20           **(3) Township board member.**  
 21           **(4) Judge of the small claims court.**  
 22           **(5) Constable of the small claims court.**  
 23       **After December 31, 2010, this subsection applies only to a county**  
 24 **having a consolidated city.**  
 25       ~~(c)~~ **(d)** The political party offices with candidates for election shall  
 26 be placed on the primary election ballot in the following order after the  
 27 offices described in subsection (b), **or, after December 31, 2010, in a**  
 28 **county containing a consolidated city, after the offices described in**  
 29 **subsection (c):**  
 30           (1) Precinct committeeman.  
 31           (2) State convention delegate.  
 32       ~~(d)~~ **(e)** The following offices and public questions shall be placed on  
 33 the primary election ballot in the following order after the offices  
 34 described in subsection ~~(c)~~ **(d)**:  
 35           (1) School board offices to be elected at the primary election.  
 36           (2) Other local offices to be elected at the primary election.  
 37           (3) Local public questions.  
 38       ~~(e)~~ **(f)** The offices and public questions described in subsection ~~(d)~~  
 39 **(e)** shall be placed:  
 40           (1) in a separate column on the ballot if voting is by paper ballot;  
 41           (2) after the offices described in subsection ~~(c)~~ **(d)** in the form  
 42 specified in IC 3-11-13-11 if voting is by ballot card; or

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(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection ~~(c)~~ (d) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

~~(f)~~ (g) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 3. IC 3-10-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 29. The canvass of votes cast in a primary election shall, as far as applicable, be made in the same manner and by the same officers as the canvass at a general election. The tally sheet upon which the count has been entered shall be included in the returns of the election. Each precinct election board shall, on blanks provided for that purpose, make full and accurate returns of the votes cast for each candidate and on each public question unless votes were cast on a ballot card voting system that is not designed to allow the counting and tabulation of votes by the precinct election board. The board shall set forth in the return, opposite the name of each candidate and public question, the number of votes cast for the candidate and for or against each public question. The tabular statement must contain the following information, with the names of candidates and public questions arranged in the order in which they appear upon the official ballot:

(1) The name of the precinct.

(2) The name of the township (or ward). **After December 31, 2010, this subdivision applies only to a county having a consolidated city.**

(3) The name of the county.

(4) The name of the party of the candidates for Representative in Congress.

SECTION 4. IC 3-10-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

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- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.

**(b) The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:**

- ~~(1)~~ (1) Township trustee.
- ~~(2)~~ (2) Township board member.
- ~~(3)~~ (3) Township assessor.
- ~~(4)~~ (4) Judge of a small claims court.
- ~~(5)~~ (5) Constable of a small claims court.

**After December 31, 2010, this subsection applies only to a county having a consolidated city.**

SECTION 5. IC 3-11-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. A county executive shall establish precincts so that each boundary of each precinct does not cross the boundary of **any of the following:**

- (1) The state.
- (2) A county.
- ~~(3) a township;~~
- ~~(4)~~ (3) A district of the House of Representatives of the Congress of the United States.
- ~~(5)~~ (4) A district of the senate of the general assembly. ~~or~~
- ~~(6)~~ (5) A district of the house of representatives of the general assembly.

**(6) In a county having a consolidated city, a township.**

SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.2-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. **(a)** The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
  - (A) President and Vice President of the United States.
  - (B) United States Senator.
  - (C) Governor and lieutenant governor.
  - (D) Secretary of state.
  - (E) Auditor of state.
  - (F) Treasurer of state.
  - (G) Attorney general.

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- 1 (H) Superintendent of public instruction.
- 2 (I) United States Representative.
- 3 (2) Legislative offices:
- 4 (A) State senator.
- 5 (B) State representative.
- 6 (3) Circuit offices and county judicial offices:
- 7 (A) Judge of the circuit court, and unless otherwise specified
- 8 under IC 33, with each division separate if there is more than
- 9 one (1) judge of the circuit court.
- 10 (B) Judge of the superior court, and unless otherwise specified
- 11 under IC 33, with each division separate if there is more than
- 12 one (1) judge of the superior court.
- 13 (C) Judge of the probate court.
- 14 (D) Judge of the county court, with each division separate, as
- 15 required by IC 33-30-3-3.
- 16 (E) Prosecuting attorney.
- 17 (F) Clerk of the circuit court.
- 18 (4) County offices:
- 19 (A) County auditor.
- 20 (B) County recorder.
- 21 (C) County treasurer.
- 22 (D) County sheriff.
- 23 (E) County coroner.
- 24 (F) County surveyor.
- 25 (G) County assessor.
- 26 (H) County commissioner.
- 27 (I) County council member.
- 28 ~~(5) Township offices:~~
- 29 ~~(A) Township assessor.~~
- 30 ~~(B) Township trustee.~~
- 31 ~~(C) Township board member.~~
- 32 ~~(D) Judge of the small claims court.~~
- 33 ~~(E) Constable of the small claims court.~~
- 34 ~~(6) (5) City offices:~~
- 35 (A) Mayor.
- 36 (B) Clerk or clerk-treasurer.
- 37 (C) Judge of the city court.
- 38 (D) City-county council member or common council member.
- 39 ~~(7) (6) Town offices:~~
- 40 (A) Clerk-treasurer.
- 41 (B) Judge of the town court.
- 42 (C) Town council member.

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(b) The following offices shall be placed on the general election ballot in the following order after the offices described in subsection (a):

- (1) Township assessor.
- (2) Township trustee.
- (3) Township board member.
- (4) Judge of the small claims court.
- (5) Constable of the small claims court.

After December 31, 2010, this subsection applies only to a county having a consolidated city.

SECTION 7. IC 3-11-8-3, AS AMENDED BY P.L.230-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Before each election each county executive shall secure for each precinct of the county an accessible facility in which to hold the election.

(b) If an accessible facility is not available within the precinct, then the polls may be located in another precinct in the county if the polls are:

- (1) ~~either:~~
  - ~~(A)~~ not more than five (5) miles from the closest boundary of the precinct for which it is the polls; ~~or~~
  - ~~(B)~~ located in the same township as the precinct that does not have an accessible facility available; and
- (2) located in an accessible facility.

(c) If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available under subsection (b), the board may locate the polls in the most convenient available accessible facility in the county.

(d) If the county election board, by unanimous vote of its entire membership, determines that:

- (1) an accessible facility is not available under subsection (b) or (c); and
- (2) the most convenient accessible facility is located in an adjoining county;

the board may locate the polls in the facility described in subdivision (2) with the unanimous consent of the entire membership of the county election board of the county in which the facility is located.

SECTION 8. IC 3-13-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) **After December 31, 2010, this chapter applies only to a county having a consolidated city.**

(b) A vacancy in a township office that was last held by a person

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1 elected or selected as a candidate of a major political party of the state  
2 shall be filled by a caucus under IC 3-13-11.

3 SECTION 9. IC 6-1.1-1-1.5, AS AMENDED BY P.L.88-2005,  
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JANUARY 1, 2011]: Sec. 1.5. (a) "Assessing official" means:

6 (1) a township assessor **of a township in a county having a**  
7 **consolidated city; or**

8 **(2) a county assessor of a county not having a consolidated**  
9 **city; or**

10 ~~(2)~~ **(3)** a member of a county property tax assessment board of  
11 appeals.

12 (b) The term "assessing official" does not grant a member of the  
13 county property tax assessment board of appeals primary assessing  
14 functions except as may be granted to the member by law.

15 SECTION 10. IC 6-1.1-1-22, AS AMENDED BY P.L.88-2005,  
16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JANUARY 1, 2011]: Sec. 22. "Township assessor" includes:

18 **(1) for a county having a consolidated city:**

19 ~~(+)~~ **(A)** an elected township assessor; and

20 ~~(2)~~ **(B)** a trustee assessor, **if any; and**

21 **(2) for a county not having a consolidated city, the county**  
22 **assessor.**

23 SECTION 11. IC 6-1.1-1.5 IS ADDED TO THE INDIANA CODE  
24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
25 JANUARY 1, 2011]:

26 **Chapter 1.5. County Assessor Performs Township Assessor**  
27 **Duties**

28 **Sec. 1. This chapter does not apply to a county having a**  
29 **consolidated city.**

30 **Sec. 2. As used in this chapter, "township assessor" includes:**

31 **(1) an elected township assessor; and**

32 **(2) a trustee assessor.**

33 **Sec. 3. The county assessor has the same duties and**  
34 **responsibilities for the county that the township assessor has for a**  
35 **township in a county that has a consolidated city.**

36 SECTION 12. IC 6-1.1-3-17 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 17. (a) **This**  
38 **subsection applies only in a county having a consolidated city.** On  
39 or before June 1 of each year, each township assessor of a county shall  
40 deliver to the county assessor a list which states by taxing district the  
41 total of the personal property assessments as shown on the personal  
42 property returns filed with the assessor on or before the filing date of

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that year and in a county with a township assessor under IC 36-6-5-1 in every township the township assessor shall deliver the lists to the county auditor as prescribed in subsection (b).

(b) On or before July 1 of each year, each county assessor shall certify to the county auditor the assessment value of the personal property in every taxing district.

(c) The department of local government finance shall prescribe the forms required by this section.

SECTION 13. IC 6-1.1-3-18, AS AMENDED BY P.L.219-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 18. (a) **This subsection applies only to a county having a consolidated city.** Each township assessor of a county shall periodically report to the county assessor and the county auditor with respect to the returns and properties of taxpayers which the township assessor has examined. The township assessor shall submit these reports in the form and on the dates prescribed by the department of local government finance.

**(b) This subsection applies only to a county not having a consolidated city. Each county assessor shall periodically report to the county auditor with respect to the returns and properties of taxpayers that the county assessor has examined. The county assessor shall submit these reports in the form and on the dates prescribed by the department of local government finance.**

~~(b)~~ (c) **This subsection applies only to a county having a consolidated city.** Each year, on or before the time prescribed by the department of local government finance, each township assessor of a county shall deliver to the county assessor a copy of each business personal property return which the taxpayer is required to file in duplicate under section 7(c) of this chapter and a copy of any supporting data supplied by the taxpayer with the return. Each year, the county assessor:

(1) shall review and may audit those returns; and

(2) shall determine the returns in which the assessment appears to be improper.

SECTION 14. IC 6-1.1-4-4.7, AS ADDED BY P.L.228-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4.7. (a) For purposes of this section, "assessor" means **the following:**

**(1) For a county having a consolidated city:**

~~(1)~~ (A) a township assessor; or

~~(2)~~ (B) a county assessor who assumes the responsibility for verifying sales under 50 IAC 21-3-2(b).

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1           **(2) For a county not having a consolidated city, the county**  
 2           **assessor.**

3           (b) The department of local government finance shall provide  
 4 training to assessors and county auditors with respect to the verification  
 5 of sales disclosure forms under 50 IAC 21-3-2.

6           SECTION 15. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005,  
 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JANUARY 1, 2011]: Sec. 13.8. (a) As used in this section,  
 9 "commission" refers to a county land valuation commission established  
 10 under subsection (b).

11           (b) Subject to subsection (1), a county land valuation commission is  
 12 established in each county for the purpose of determining the value of  
 13 commercial, industrial, and residential land (including farm homesites)  
 14 in the county.

15           (c) The county assessor is chairperson of the commission.

16           (d) The following are members of the commission:

17           (1) The county assessor. The county assessor shall cast a vote  
 18 only to break a tie.

19           (2) **This subdivision applies only in a county having a**  
 20 **consolidated city.** Each township assessor, when the respective  
 21 township land values for that township assessor's township are  
 22 under consideration. A township assessor serving under this  
 23 subdivision shall vote on all matters relating to the land values of  
 24 that township assessor's township.

25           (3) **This subdivision applies only in a county having a**  
 26 **consolidated city.** One (1) township assessor from the county to  
 27 be appointed by a majority vote of all the township assessors in  
 28 the county.

29           (4) One (1) county resident who:

30           (A) holds a license under IC 25-34.1-3 as a salesperson or  
 31 broker; and

32           (B) is appointed by:

33           (i) the board of commissioners (as defined in IC 36-3-3-10)  
 34 for a county having a consolidated city; or

35           (ii) the county executive (as defined in IC 36-1-2-5) for a  
 36 county not described in item (i).

37           (5) Four (4) individuals who:

38           (A) are appointed by the county executive (as defined in  
 39 IC 36-1-2-5); and

40           (B) represent one (1) of the following four (4) kinds of land in  
 41 the county:

42           (i) Agricultural.

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(ii) Commercial.

(iii) Industrial.

(iv) Residential.

Each of the four (4) kinds of land in the county must be represented by one (1) individual appointed under this subdivision.

(6) One (1) individual who:

(A) represents financial institutions in the county; and

(B) is appointed by:

(i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or

(ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(e) The term of each member of the commission begins November 1 of the year that precedes by two (2) years the year in which a general reassessment begins under ~~IC 6-1.1-4-4~~, **section 4 of this chapter**, and ends January 1 of the year in which the general reassessment begins under ~~IC 6-1.1-4-4~~, **section 4 of this chapter**. The appointing authority may fill a vacancy for the remainder of the vacated term.

(f) The commission shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. Not later than November 1 of the year preceding the year in which a general reassessment begins, the commission determining the values of land shall submit the values, all data supporting the values, and all information required under rules of the department of local government finance relating to the determination of land values to the county property tax assessment board of appeals and the department of local government finance. Not later than January 1 of the year in which a general reassessment begins, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 of the year preceding the year in which the general reassessment begins and before January 1 of the year in which the general reassessment under ~~IC 6-1.1-4-4~~ **section 4 of this chapter** begins.

(g) The county property tax assessment board of appeals shall review the values, data, and information submitted under subsection (f) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the

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1 boundaries of the county with the county property tax assessment  
 2 boards of appeals of the adjacent counties using the procedures adopted  
 3 by rule under IC 4-22-2 by the department of local government finance.  
 4 If the commission fails to submit land values under subsection (f) to the  
 5 county property tax assessment board of appeals before January 1 of  
 6 the year the general reassessment under ~~IC 6-1.1-4-4~~ **section 4 of this**  
 7 **chapter** begins, the county property tax assessment board of appeals  
 8 shall determine the values.

9 (h) The county property tax assessment board of appeals shall give  
 10 notice to the county **assessor** and, **in a county having a consolidated**  
 11 **city, the** township assessors of its decision on the values. The notice  
 12 must be given before March 1 of the year the general reassessment  
 13 under ~~IC 6-1.1-4-4~~ **section 4 of this chapter** begins. Not later than  
 14 twenty (20) days after that notice, the county assessor or a township  
 15 assessor, **if any**, in the county may request that the county property tax  
 16 assessment board of appeals reconsider the values. The county property  
 17 tax assessment board of appeals shall hold a hearing on the  
 18 reconsideration in the county. The county property tax assessment  
 19 board of appeals shall give notice of the hearing under IC 5-3-1.

20 (i) Not later than twenty (20) days after notice to the county  
 21 **assessor** and township assessor, **if any**, is given under subsection (h),  
 22 a taxpayer may request that the county property tax assessment board  
 23 of appeals reconsider the values. The county property tax assessment  
 24 board of appeals may hold a hearing on the reconsideration in the  
 25 county. The county property tax assessment board of appeals shall give  
 26 notice of the hearing under IC 5-3-1.

27 (j) A taxpayer may appeal the value determined under this section  
 28 as applied to the taxpayer's land as part of an appeal filed under  
 29 IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a  
 30 taxpayer that files an appeal under IC 6-1.1-15 requests the values,  
 31 data, or information received by the county property tax assessment  
 32 board of appeals under subsection (f), the county property tax  
 33 assessment board of appeals shall satisfy the request. The department  
 34 of local government finance may modify the taxpayer's land value and  
 35 the value of any other land in the township, the county where the  
 36 taxpayer's land is located, or the adjacent county if the department of  
 37 local government finance determines it is necessary to provide  
 38 uniformity and equality.

39 (k) The county assessor shall notify all township assessors, **if any**,  
 40 in the county of the values as determined by the commission and as  
 41 modified by the county property tax assessment board of appeals or  
 42 department of local government finance under this section. Township

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assessors shall use the values determined under this section.

(l) After notice to the county assessor and all township assessors, **if any**, in the county, a majority of the assessors authorized to vote under this subsection may vote to abolish the county land valuation commission established under subsection (b). Each township assessor, **if any**, and the county assessor has one (1) vote. The county assessor shall give written notice to:

(1) each member of the county land valuation commission; and

(2) each township assessor, **if any**, in the county;

of the abolishment of the commission under this subsection.

SECTION 16. IC 6-1.1-4-17, AS AMENDED BY P.L.228-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 17. (a) Subject to the approval of the department of local government finance and the requirements of section 18.5 of this chapter, **in a county having a consolidated city:**

(1) a township assessor; or

(2) a group consisting of the county assessor and the township assessors in ~~a~~ **the** county;

may employ professional appraisers as technical advisors. A decision by one (1) or more assessors referred to in subdivisions (1) and (2) to not employ a professional appraiser as a technical advisor in a general reassessment is subject to approval by the department of local government finance.

**(b) This subsection applies only to a county not having a consolidated city. The county assessor may employ a professional appraiser to act as a technical advisor in the county during the general reassessment period.**

~~(b)~~ **(c) This subsection applies only to a county having a consolidated city.** After notice to the county assessor and all township assessors in the county, a majority of the assessors authorized to vote under this subsection may vote to:

(1) employ a professional appraiser to act as a technical advisor in the county during a general reassessment period;

(2) appoint an assessor or a group of assessors to:

(A) enter into and administer the contract with a professional appraiser employed under this section; and

(B) oversee the work of a professional appraiser employed under this section.

Each township assessor and the county assessor has one (1) vote. A decision by a majority of the persons authorized to vote is binding on the county assessor and all township assessors in the county. Subject to the limitations in section 18.5 of this chapter, the assessor or

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assessors appointed under subdivision (2) may contract with a professional appraiser employed under this section to supply technical advice during a general reassessment period for all townships in the county. A proportionate part of the appropriation to all townships for assessing purposes shall be used to pay for the technical advice.

(d) As used in this chapter, "professional appraiser" means an individual or firm that is certified under IC 6-1.1-31.7.

SECTION 17. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 14. **In a county having a consolidated city,** not later than May 15, each ~~assessing official~~ **township assessor** shall prepare and deliver to the county assessor a detailed list of the real property listed for taxation in the township. On or before July 1 of each year, each county assessor shall, under oath, prepare and deliver to the county auditor a detailed list of the real property listed for taxation in the county. In a county ~~with an elected township assessor in every township that does not have a consolidated city,~~ the ~~township county assessor~~ shall prepare the real property list. ~~The assessing officials and the Township assessors and county assessor assessors~~ shall prepare the list in the form prescribed by the department of local government finance. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

SECTION 18. IC 6-1.1-5.5-3, AS AMENDED BY P.L.219-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) For purposes of this section, "party" includes:

- (1) a seller of property that is exempt under the seller's ownership; or
- (2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) Before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must do the following:

- (1) Complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form.
- (2) Before filing a sales disclosure form with the county auditor, submit the sales disclosure form to the county assessor. The

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1 county assessor must review the accuracy and completeness of  
 2 each sales disclosure form submitted immediately upon receipt of  
 3 the form and, if the form is accurate and complete, stamp the form  
 4 as eligible for filing with the county auditor and return the form  
 5 to the appropriate party for filing with the county auditor. If  
 6 multiple forms are filed in a short period, the county assessor  
 7 shall process the forms as quickly as possible. For purposes of this  
 8 subdivision, a sales disclosure form is considered to be accurate  
 9 and complete if:

10 (A) the county assessor does not have substantial evidence  
 11 when the form is reviewed under this subdivision that  
 12 information in the form is inaccurate; and

13 (B) the form:

14 (i) substantially conforms to the sales disclosure form  
 15 prescribed by the department of local government finance  
 16 under section 5 of this chapter; and

17 (ii) is submitted to the county assessor in a format usable to  
 18 the county assessor.

19 (3) File the sales disclosure form with the county auditor.

20 (c) Except as provided in subsection (d), the auditor shall forward  
 21 each sales disclosure form to the county assessor. The county assessor  
 22 shall retain the forms for five (5) years. The county assessor shall  
 23 forward the sales disclosure form data to the department of local  
 24 government finance and the legislative services agency in an electronic  
 25 format specified jointly by the department of local government finance  
 26 and the legislative services agency. ~~The county assessor shall forward~~  
 27 ~~a copy of the sales disclosure forms to the township assessors in the~~  
 28 ~~county.~~ The forms may be used by the county assessing officials, the  
 29 department of local government finance, and the legislative services  
 30 agency for the purposes established in IC 6-1.1-4-13.6, sales ratio  
 31 studies, equalization, adoption of rules under IC 6-1.1-31-3 and  
 32 IC 6-1.1-31-6, and any other authorized purpose.

33 (d) In a county containing a consolidated city, the auditor shall  
 34 forward the sales disclosure form to the appropriate township assessor.  
 35 The township assessor shall forward the sales disclosure form to the  
 36 department of local government finance and the legislative services  
 37 agency in an electronic format specified jointly by the department of  
 38 local government finance and the legislative services agency. The  
 39 forms may be used by the county assessing officials, the department of  
 40 local government finance, and the legislative services agency for the  
 41 purposes established in IC 6-1.1-4-13.6, sales ratio studies,  
 42 equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6,

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1 and any other authorized purpose.

2 (e) If a sales disclosure form includes the telephone number or  
3 Social Security number of a party, the telephone number or Social  
4 Security number is confidential.

5 (f) County assessing officials and other local officials may not  
6 establish procedures or requirements concerning sales disclosure forms  
7 that substantially differ from the procedures and requirements of this  
8 chapter.

9 SECTION 19. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005,  
10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JANUARY 1, 2011]: Sec. 24. (a) Each year a township assessor **or, in**  
12 **a county not having a consolidated city, the county assessor** shall  
13 assess the fixed property which as of the assessment date of that year  
14 is:

15 (1) owned or used by a public utility company; and

16 (2) located in the township the township assessor serves.

17 (b) The township assessor **or, in a county not having a**  
18 **consolidated city, the county assessor** shall determine the assessed  
19 value of fixed property. ~~The Except as provided in subsection (c), a~~  
20 township assessor **that determines assessed values under this section**  
21 shall certify the assessed values to the county assessor on or before  
22 April 1 of the year of assessment. ~~However,~~

23 (c) In a county ~~with that has a consolidated city, an elected~~  
24 township assessor in every township, the township assessor shall certify  
25 the list to the department of local government finance. **In a county not**  
26 **having a consolidated city, the county assessor shall certify the list**  
27 **to the department of local government finance.**

28 (d) ~~The A~~ county assessor to whom assessed values are certified  
29 under subsection (b) shall review the assessed values. ~~and A county~~  
30 assessor who determines assessed values or to whom assessed  
31 values are certified under this section shall certify the assessed  
32 values to the department of local government finance on or before  
33 April 10 of the year of assessment.

34 SECTION 20. IC 6-1.1-17-3, AS AMENDED BY P.L.219-2007,  
35 SECTION 49, AND AS AMENDED BY P.L.224-2007, SECTION 5,  
36 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The proper officers of a  
38 political subdivision shall formulate its estimated budget and its  
39 proposed tax rate and tax levy on the form prescribed by the  
40 department of local government finance and approved by the state  
41 board of accounts. The political subdivision shall give notice by  
42 publication to taxpayers of:

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- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

- (1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under ~~IC 6-1.1-15-1(b)~~; IC 6-1.1-15-1(c);

- (2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

- (A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);
- (B) any deductions or exemptions that apply to the assessed valuation of the tangible property;
- (C) any credits that apply in the determination of the tax liability; and
- (D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

- (i) the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*); or

- (ii) the department of local government finance;

- (3) a prominently displayed notation that:

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1 (A) the estimate under subdivision (2) is based on the best  
 2 information available at the time the statement is mailed; and  
 3 (B) based on various factors, including potential actions by:  
 4 (i) the county board of tax adjustment (*before January 1,*  
 5 *2009) or the county board of tax and capital projects review*  
 6 *(after December 31, 2008); or*  
 7 (ii) the department of local government finance;  
 8 it is possible that the tax liability as finally determined will  
 9 differ substantially from the estimate;  
 10 (4) comparative information showing the amount of property  
 11 taxes for which the person is liable to each political subdivision  
 12 on the tangible property for taxes first due and payable in the  
 13 current year; and  
 14 (5) the date, time, and place at which the political subdivision will  
 15 hold a public hearing on the political subdivision's estimated  
 16 budget and proposed tax rate and tax levy as required under  
 17 subsection (a).  
 18 (c) The department of local government finance shall:  
 19 (1) prescribe a form for; and  
 20 (2) provide assistance to county auditors in preparing;  
 21 statements under subsection (b). Mailing the statement described in  
 22 subsection (b) to a mortgagee maintaining an escrow account for a  
 23 person who is liable for any property taxes shall not be construed as  
 24 compliance with subsection (b).  
 25 (d) The board of directors of a solid waste management district  
 26 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may  
 27 conduct the public hearing required under subsection (a):  
 28 (1) in any county of the solid waste management district; and  
 29 (2) in accordance with the annual notice of meetings published  
 30 under IC 13-21-5-2.  
 31 (e) **Except as provided in subsection (f),** the trustee of each  
 32 township in the county shall estimate the amount necessary to meet the  
 33 cost of township assistance in the township for the ensuing calendar  
 34 year. The township board shall adopt with the township budget a tax  
 35 rate sufficient to meet the estimated cost of township assistance. The  
 36 taxes collected as a result of the tax rate adopted under this subsection  
 37 are credited to the township assistance fund.  
 38 (f) **This subsection applies only to a county for taxes first due**  
 39 **and payable after 2010. The county administrator for township**  
 40 **assistance in a county not having a consolidated city shall estimate**  
 41 **the amount necessary to meet the cost of township assistance in the**  
 42 **county for the ensuing calendar year. The county legislative body**

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shall adopt with the county budget a tax rate uniform throughout the county sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund of the county.

(f) (g) A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.

(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 21. IC 6-1.1-18.5-10.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 10.4. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a township or a fire protection district under IC 36-8-14 **or to ad valorem property taxes imposed by a county under IC 36-8-13.5.**

(b) For purposes of computing the ad valorem property tax levy limit imposed on a township or a fire protection district under section 3 of this chapter, the township's, **county's**, or the fire protection district's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-14 **or IC 36-8-13.5.**

SECTION 22. IC 6-1.1-18.5-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 18.5. The maximum permissible ad valorem property tax levy for the county's firefighting fund under IC 36-8-13.5-3 is the amount determined in STEP TWO of the following STEPS:**

**STEP ONE: Determine:**

**(A) for ad valorem property taxes first due and payable in 2012, the maximum permissible ad valorem property tax levy for the county's firefighting fund determined in IC 36-6-1.1-7 for ad valorem property taxes first due and**

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payable in 2011; or

(B) for ad valorem property taxes first due and payable after 2012, the maximum permissible ad valorem property tax levy for the county's firefighting fund determined under this section for ad valorem property taxes first due and payable in the immediately preceding calendar year.

**STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.**

SECTION 23. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 22. The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a county to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-6-1.1.**

SECTION 24. IC 6-1.1-28-1, AS AMENDED BY P.L.219-2007, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (d) and (e), the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. Subject to subsections (d) and (e), the board of commissioners of the county shall appoint two (2) freehold members so that not more than three (3) of the five (5) members may be of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. If the county assessor is a certified level two or level three assessor-appraiser, the board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees

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of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor is a voting member of the property tax assessment board of appeals. **In a county not having a consolidated city, the county assessor is a nonvoting member of the property tax assessment board of appeals.** The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board that includes at least one (1) certified level two or level three assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

(b) The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals may be of the same political party if it is necessary to waive the requirement due to the absence of certified level two or level three Indiana assessor-appraisers:

- (1) who are willing to serve on the board; and
- (2) whose political party membership status would satisfy the requirement in subsection ~~(c)(1)~~: **(a)**.

(c) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

- (1) residents of the county;
- (2) certified level two or level three Indiana assessor-appraisers; and
- (3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

(d) Except as provided in subsection (e), the term of a member of the county property tax assessment board of appeals appointed under subsection (a):

- (1) is one (1) year; and
- (2) begins January 1.

(e) If:

- (1) the term of a member of the county property tax assessment board of appeals appointed under subsection (a) expires;
- (2) the member is not reappointed; and
- (3) a successor is not appointed;

the term of the member continues until a successor is appointed.

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SECTION 25. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005,  
SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JANUARY 1, 2011]: Sec. 3.5. (a) Until the system described in  
subsection (e) is implemented, each county shall maintain a state  
certified computer system that has the capacity to:

- (1) process and maintain assessment records;
- (2) process and maintain standardized property tax forms;
- (3) process and maintain standardized property assessment notices;
- (4) maintain complete and accurate assessment records for the county; and
- (5) process and compute complete and accurate assessments in accordance with Indiana law.

~~The county assessor, with the recommendation of the township assessors, shall select the computer system used by township assessors and the county assessor in the county. except in a county with an elected township assessor in every township. In a county with that has a consolidated city, an elected township assessor in every township, the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county. In a county that does not have a consolidated city, the county assessor shall select the computer system.~~

(b) All information on a computer system referred to in subsection (a) shall be readily accessible to:

- (1) township assessors;
- (2) the county assessor;
- (3) the department of local government finance; and
- (4) members of the county property tax assessment board of appeals.

(c) The certified system referred to in subsection (a) used by the counties must be:

- (1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
- (2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency.

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the township assessor and the county assessor in an accessible location and in a format that is easily understandable for use by persons of the

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1 county.

2 (e) The department shall adopt rules before July 1, 2006, for the  
3 establishment of:

4 (1) a uniform and common property tax management system  
5 among all counties that:

6 (A) includes a combined mass appraisal and county auditor  
7 system integrated with a county treasurer system; and

8 (B) replaces the computer system referred to in subsection (a);  
9 and

10 (2) a schedule for implementation of the system referred to in  
11 subdivision (1) structured to result in the implementation of the  
12 system in all counties with respect to an assessment date:

13 (A) determined by the department; and

14 (B) specified in the rule.

15 (f) The department shall appoint an advisory committee to assist the  
16 department in the formulation of the rules referred to in subsection (e).  
17 The department shall determine the number of members of the  
18 committee. The committee:

19 (1) must include at least:

20 (A) one (1) township assessor;

21 (B) one (1) county assessor;

22 (C) one (1) county auditor; and

23 (D) one (1) county treasurer; and

24 (2) shall meet at times and locations determined by the  
25 department.

26 (g) Each member of the committee appointed under subsection (f)  
27 who is not a state employee is not entitled to the minimum salary per  
28 diem provided by IC 4-10-11-2.1(b). The member is entitled to  
29 reimbursement for traveling expenses as provided under IC 4-13-1-4  
30 and other expenses actually incurred in connection with the member's  
31 duties as provided in the state policies and procedures established by  
32 the Indiana department of administration and approved by the budget  
33 agency.

34 (h) Each member of the committee appointed under subsection (f)  
35 who is a state employee is entitled to reimbursement for traveling  
36 expenses as provided under IC 4-13-1-4 and other expenses actually  
37 incurred in connection with the member's duties as provided in the state  
38 policies and procedures established by the Indiana department of  
39 administration and approved by the budget agency.

40 (i) The department shall report to the budget committee in writing  
41 the department's estimate of the cost of implementation of the system  
42 referred to in subsection (e).

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SECTION 26. IC 6-1.1-35-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. ~~Each~~ **In a county that has a consolidated city, the** county assessor shall annually call at least one (1) meeting of the township assessors of the county. At the meeting, the county assessor shall advise and instruct the township assessors with respect to their duties under the law. In addition, another purpose of the meeting is to promote intra-county uniformity in assessment procedures. The county assessor may call additional meetings of the township assessors for the purposes stated in this section. A township assessor shall receive a per diem expense allowance for each day that ~~he~~ **the assessor** attends a meeting called by the county assessor under this section. The county council shall determine the amount of that per diem expense allowance.

SECTION 27. IC 6-1.1-35-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. **In a county that has a consolidated city,** if a township assessor does not perform ~~his~~ **the assessor's** duties in a competent manner, the county assessor shall, in a written report, inform the department of local government finance of that fact.

SECTION 28. IC 6-1.5-5-2, AS AMENDED BY P.L.219-2007, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) After receiving a petition for review that is filed under a statute listed in section 1(a) of this chapter, the Indiana board shall, at its earliest opportunity:

- (1) conduct a hearing; or
- (2) cause a hearing to be conducted by an administrative law judge.

The Indiana board may determine to conduct the hearing under subdivision (1) on its own motion or on request of a party to the appeal.

(b) In its resolution of a petition, the Indiana board may correct any errors that may have been made and adjust the assessment in accordance with the correction.

(c) The Indiana board shall give notice of the date fixed for the hearing by mail to:

- (1) the taxpayer;
- (2) the department of local government finance; and
- (3) the appropriate:
  - (A) township assessor, **if the county has a consolidated city;**
  - (B) county assessor; and
  - (C) county auditor.

(d) With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notices required under

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subsection (c) must include the following:

(1) The action of the department of local government finance with respect to the appealed items.

(2) A statement that a taxing unit receiving the notice from the county auditor under subsection (e) may:

(A) attend the hearing;

(B) offer testimony; and

(C) file an amicus curiae brief in the proceeding.

(e) If, after receiving notice of a hearing under subsection (c), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal. Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(f) The Indiana board shall give the notices required under subsection (c) at least thirty (30) days before the day fixed for the hearing.

SECTION 29. IC 6-1.5-5-5, AS AMENDED BY P.L.154-2006, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. After the hearing, the Indiana board shall give the petitioner, the township assessor (**if the county has a consolidated city**), the county assessor, the county auditor, and the department of local government finance:

(1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and

(2) notice of the procedures the petitioner or the department of local government finance must follow in order to obtain court review of the final determination of the Indiana board.

The county auditor shall provide copies of the documents described in subdivisions (1) and (2) to the taxing units entitled to notice under section 2(e) of this chapter.

SECTION 30. IC 6-2.5-8-1, AS AMENDED BY P.L.219-2007, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) A retail merchant may not make a retail transaction in Indiana, unless the retail merchant has applied for a registered retail merchant's certificate.

(b) A retail merchant may obtain a registered retail merchant's certificate by filing an application with the department and paying a

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1 registration fee of twenty-five dollars (\$25) for each place of business  
 2 listed on the application. The retail merchant shall also provide such  
 3 security for payment of the tax as the department may require under  
 4 IC 6-2.5-6-12.

5 (c) The retail merchant shall list on the application the location  
 6 (including the township) of each place of business where the retail  
 7 merchant makes retail transactions. However, if the retail merchant  
 8 does not have a fixed place of business, the retail merchant shall list the  
 9 retail merchant's residence as the retail merchant's place of business. In  
 10 addition, a public utility may list only its principal Indiana office as its  
 11 place of business for sales of public utility commodities or service, but  
 12 the utility must also list on the application the places of business where  
 13 it makes retail transactions other than sales of public utility  
 14 commodities or service.

15 (d) Upon receiving a proper application, the correct fee, and the  
 16 security for payment, if required, the department shall issue to the retail  
 17 merchant a separate registered retail merchant's certificate for each  
 18 place of business listed on the application. Each certificate shall bear  
 19 a serial number and the location of the place of business for which it is  
 20 issued.

21 (e) If a retail merchant intends to make retail transactions during a  
 22 calendar year at a new Indiana place of business, the retail merchant  
 23 must file a supplemental application and pay the fee for that place of  
 24 business.

25 (f) A registered retail merchant's certificate is valid for two (2) years  
 26 after the date the registered retail merchant's certificate is originally  
 27 issued or renewed. If the retail merchant has filed all returns and  
 28 remitted all taxes the retail merchant is currently obligated to file or  
 29 remit, the department shall renew the registered retail merchant's  
 30 certificate within thirty (30) days after the expiration date, at no cost to  
 31 the retail merchant.

32 (g) The department may not renew a registered retail merchant  
 33 certificate of a retail merchant who is delinquent in remitting sales or  
 34 use tax. The department, at least sixty (60) days before the date on  
 35 which a retail merchant's registered retail merchant's certificate expires,  
 36 shall notify a retail merchant who is delinquent in remitting sales or use  
 37 tax that the department will not renew the retail merchant's registered  
 38 retail merchant's certificate.

39 (h) A retail merchant engaged in business in Indiana as defined in  
 40 IC 6-2.5-3-1(c) who makes retail transactions that are only subject to  
 41 the use tax must obtain a registered retail merchant's certificate before  
 42 making those transactions. The retail merchant may obtain the

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certificate by following the same procedure as a retail merchant under subsections (b) and (c), except that the retail merchant must also include on the application:

- (1) the names and addresses of the retail merchant's principal employees, agents, or representatives who engage in Indiana in the solicitation or negotiation of the retail transactions;
- (2) the location of all of the retail merchant's places of business in Indiana, including offices and distribution houses; and
- (3) any other information that the department requests.

(i) The department may permit an out-of-state retail merchant to collect the use tax. However, before the out-of-state retail merchant may collect the tax, the out-of-state retail merchant must obtain a registered retail merchant's certificate in the manner provided by this section. Upon receiving the certificate, the out-of-state retail merchant becomes subject to the same conditions and duties as an Indiana retail merchant and must then collect the use tax due on all sales of tangible personal property that the out-of-state retail merchant knows is intended for use in Indiana.

(j) Except as provided in subsection (k), the department shall submit to the township assessor **or, if the county does not have a consolidated city, the county assessor** before July 15 of each year:

- (1) the name of each retail merchant that has newly obtained a registered retail merchant's certificate between March 2 of the preceding year and March 1 of the current year for a place of business located in the township **or county, as appropriate**; and
- (2) the address of each place of business of the taxpayer in the township.

(k) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, the department shall submit the information listed in subsection (j) to the county assessor.

SECTION 31. IC 12-14-30 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]:

**Chapter 30. Township Assistance in Counties Outside Marion County**

**Sec. 1. This chapter applies only to a county that does not have a consolidated city.**

**Sec. 2. (a) Notwithstanding any other law, the county shall establish a county township assistance fund.**

**(b) The fund shall be raised by a tax levy that:**

- (1) is in addition to all other tax levies authorized; and**
- (2) shall be levied annually by the county fiscal body on all**

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1 taxable property in the county in the amount necessary to pay  
 2 the items, awards, claims, allowances, assistance, and other  
 3 expenses set forth in the annual township assistance budget  
 4 for the county.

5 (c) The tax imposed under this section shall be collected as other  
 6 state and county ad valorem taxes are collected.

7 (d) The following shall be paid into the county township  
 8 assistance fund:

9 (1) All receipts from the tax imposed under this section.

10 (2) Any other money required by law to be placed in the fund.

11 (e) The fund is available for the purpose of paying expenses and  
 12 obligations set forth in the annual budget.

13 (f) Money in the fund at the end of a budget year does not revert  
 14 to the county general fund.

15 SECTION 32. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 17 JANUARY 1, 2011]: Sec. 5. (a) Except as provided in subsections  
 18 (b) and (c), IC 12-20-2 through IC 12-20-28 apply only to a county  
 19 that has a consolidated city.

20 (b) In a county that does not have a consolidated city, the county  
 21 administrator of township assistance shall administer township  
 22 assistance in the county. The county administrator shall be  
 23 appointed by the county executive with the approval of the county  
 24 council. The county administrator shall administer township  
 25 assistance on a countywide basis instead of a township basis.

26 (c) The following apply to the administration of township  
 27 assistance by a county administrator under subsection (b):

28 (1) A suit or proceeding in favor of or against the county  
 29 administrator of township assistance concerning township  
 30 assistance shall be conducted in favor of or against the county  
 31 in the county's corporate name.

32 (2) The county administrator of township assistance is entitled  
 33 to the same protections and immunities as are accorded to a  
 34 township trustee under IC 12-20-3.

35 (3) The county administrator of township assistance has the  
 36 same powers in the administration of township assistance in  
 37 the county as a township trustee has in the administration of  
 38 township assistance in a township under IC 12-20-4,  
 39 IC 12-20-5, IC 12-20-15, IC 12-20-16, IC 12-20-17,  
 40 IC 12-20-18, and IC 12-20-19.

41 (4) The same standards and requirements that:

42 (A) apply to; or

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(B) may be imposed upon;  
 recipients of and applicants for township assistance under  
 IC 12-20-6, IC 12-20-7, IC 12-20-8, IC 12-20-9, IC 12-20-10,  
 IC 12-20-11, IC 12-20-12, and IC 12-20-13 apply to or may be  
 imposed upon recipients of and applicants for township  
 assistance administered by a county administrator of  
 township assistance.

(5) The county administrator of township assistance may  
 assert a claim against the estate of an individual who received  
 township assistance from the county to the same extent as a  
 township trustee may assert a claim under IC 12-20-27  
 against the estate of an individual who received township  
 assistance from a township.

(6) The county administrator of township assistance is subject  
 to the same reporting requirements with respect to township  
 assistance administered in the county as a township trustee is  
 subject to under IC 12-20-28 with respect to township  
 assistance administered in the township.

(7) The county administrator shall propose uniform standards  
 for the issuance of township assistance throughout the county  
 and the processing of applications for township assistance that  
 meet the requirements of IC 12-20-5.5. The standards shall be  
 adopted by the county legislative body and filed with the  
 county commissioners.

SECTION 33. IC 13-25-6-3 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Reimbursement  
 is available under this chapter for expenses, except for expenses of a  
 type that the agency normally incurs in responding to emergencies that  
 do not involve hazardous materials, that are incurred in taking  
 emergency action by an emergency response agency other than a fire  
 department that is described in subsection (b).

(b) Reimbursement is available under this chapter and IC 36-8-12.2  
 for expenses that are incurred in taking emergency action by a fire  
 department that:

(1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or**  
**(after December 31, 2010) IC 36-8-13.5;** and

(2) employs:

(A) both full-time paid members and volunteer members; or

(B) only full-time paid members.

SECTION 34. IC 13-25-6-5 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. An emergency  
 response agency or a governmental entity may obtain reimbursement

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under this chapter by filing an action for reimbursement in a court of general jurisdiction of:

- (1) a county in which a hazardous materials emergency arose; or
- (2) the county in which the unit that established the fire department is located, if the emergency response agency is a fire department that:

- (A) is established by a unit under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or (after December 31, 2010) IC 36-8-13.5;** and

- (B) employs:

- (i) both full-time paid members and volunteer members; or
- (ii) only full-time paid members.

SECTION 35. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2007, SECTION 128, AND AS AMENDED BY P.L.2-2007, SECTION 170, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13.5. (a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

- (1) The Indiana Historical Society established under IC 23-6-3.
- (2) A historical society (as defined in IC 36-10-13-3).
- (3) The Historic Landmarks Foundation of Indiana.
- (4) A professional archeologist or historian associated with a ~~college or university~~ *postsecondary educational institution*.
- (5) A township trustee.
- (6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant received under this subsection:

- (1) to carry out subsection (a); and
- (2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the

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obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of ~~16 U.S.C. 470(w)~~ 16 U.S.C. 470w-3 and ~~16 U.S.C. 470(h)(h)~~ 16 U.S.C. 470hh.

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 36. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.5. The powers and duties established by this chapter are conferred and imposed:**

**(1) in a county having a consolidated city, on the township trustee with respect to property in the township; and**

**(2) in a county that does not have a consolidated city, on the county with respect to property in the county.**

SECTION 37. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) As used in this chapter, "detrimental plant" includes Canada thistle (*cirsium arvense*), Johnson grass, sorghum alumun (*sorghum halrphense*), bur cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

**(b) As used in this chapter, "fund" means:**

**(1) in the case of a township in a county having a consolidated city, the township fund; or**

**(2) in the case of a county that does not have a consolidated city, the appropriate county fund.**

~~(b)~~ **(c)** As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state or a political subdivision, or a group of those persons acting in concert.

~~(c)~~ **(d)** A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 38. IC 15-3-4-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) ~~A township~~  
 2 ~~trustee who has~~ **If there is** reason to believe that detrimental plants  
 3 may be on real estate, **the township trustee or, in a county that does**  
 4 **not have a consolidated city, the county** may, after giving forty-eight  
 5 (48) hours notice to the owner or person in possession of the property,  
 6 enter the real estate to investigate.

7 (b) Except as provided in subsection (c), if the **county or the**  
 8 township trustee determines after investigating the property or by  
 9 visual inspection without entering the property that a person has  
 10 detrimental plants growing on ~~real estate in the township~~ **the person's**  
 11 **property** that have not been destroyed as described in section 1 of this  
 12 chapter, the trustee ~~of the township in which the real estate is located~~  
 13 **or county** shall notify, in writing, the owner or person in possession of  
 14 the real estate to destroy the detrimental plants in a manner provided  
 15 in section 1 of this chapter within five (5) days after the notice is given.  
 16 If the detrimental plants are not destroyed as provided in section 1 of  
 17 this chapter within five (5) days after notice is given, the trustee **or**  
 18 **county** shall cause the detrimental plants to be destroyed in a manner  
 19 seeming most practical to the trustee **or county** within three (3)  
 20 additional days. The trustee **or county** may hire a person to destroy the  
 21 detrimental plants. The trustee, **an officer of the county**, or the person  
 22 employed **by the trustee or the county** to destroy the detrimental  
 23 plants may enter upon the real estate where the detrimental plants are  
 24 growing to destroy the detrimental plants, and are not civilly or  
 25 criminally liable for damage to crops, livestock, or other property  
 26 occurring while carrying out such work, except for gross negligence or  
 27 willful or wanton destruction.

28 (c) If the county **in which the property is located has a**  
 29 **consolidated city and** has established a county weed control board  
 30 under IC 15-3-4.6, the township trustee may notify the county weed  
 31 control board of the real estate containing detrimental plants, and the  
 32 board shall either assume jurisdiction to control the detrimental plants  
 33 or decline jurisdiction and refer the matter back to the township trustee.  
 34 The county weed control board shall notify the township trustee of the  
 35 board's decision.

36 (d) Notice required in subsection (a) or (b) may be given:

- 37 (1) by mail, using certified mail; or
- 38 (2) by personal service.

39 (e) Notice under subsection (d) is considered received by the owner  
 40 or person in possession of the real estate:

- 41 (1) if sent by mail, on the earlier of:
- 42 (A) the date of signature of receipt of the mailing; or

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- 1 (B) three (3) business days after the date of mailing; or  
 2 (2) if served personally, on the date of delivery.

3 SECTION 39. IC 15-3-4-3 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) The  
 5 township trustee **or county** may pay for the chemicals, work, and labor  
 6 performed in cutting or destroying detrimental plants under this chapter  
 7 at a rate per hour to be fixed by the township trustee **or county**  
 8 commensurate with local hourly wages.

9 (b) In all cases in which the infestation of the land with detrimental  
 10 plants is so great and widespread as ~~in the opinion of the trustee~~ to  
 11 render such cutting or eradication by hand methods impractical, the  
 12 trustee **or county** shall engage the necessary power machinery or  
 13 equipment and may pay for the work at a rate per hour fixed by the  
 14 township trustee **or county** commensurate with the local hourly rate.

15 (c) When the work has been performed, the person doing the work  
 16 shall file an itemized bill for the work ~~in the office of~~ **with** the trustee  
 17 ~~of the township, and or the county.~~ When the bill has been approved,  
 18 the trustee shall pay the bill out of the township fund, **or the county**  
 19 **shall pay the bill out of the appropriate county fund.** The trustee ~~of~~  
 20 ~~the township or county~~ shall certify the cost or expense of the work  
 21 and the cost of the chemicals, adding to such bill twenty dollars (\$20)  
 22 per day for each day that the trustee, **the county**, or the trustee's **or**  
 23 **county's** agent supervises the performance of the services required  
 24 under this chapter as compensation for services, with a description of  
 25 the real estate on which the labor was performed.

26 (d) The certified statement of costs prepared under subsection (c)  
 27 shall be mailed using certificate of mailing to, or personally served on,  
 28 the owner or person possessing the real estate. The certified statement  
 29 shall be mailed to the auditor of state for any real estate owned by the  
 30 state or to the fiscal officer of another municipality (as defined in  
 31 IC 5-11-1-16) for real estate owned by the municipality. The statement  
 32 shall request that the person pay the cost of performing the service  
 33 under subsection (c) to the township trustee **or the county.**

34 (e) If the owner or person in possession of the property does not pay  
 35 the amount set forth in the statement within ten (10) days after  
 36 receiving the notice under subsection (d), ~~the township trustee shall file~~  
 37 a copy of the certified statement **shall be filed** in the office of the  
 38 county auditor of the county where the real estate is located.

39 (f) The auditor shall place the amount claimed in the certified  
 40 statement on the tax duplicate of the real estate. Except as provided in  
 41 subsections (j) through (l), the amount claimed shall be collected as  
 42 taxes are collected.

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(g) After an amount described in subsection (f) is collected, the funds shall be deposited in the ~~trustee's township funds~~ **fund** for use at the discretion of:

(1) the trustee, **in the case of property located in a county having a consolidated city; or**

(2) **the county, in the case of property located in a county that does not have a consolidated city.**

(h) If there is no money available in ~~the township~~ **a fund** for that purpose, ~~the township board~~ upon finding an emergency exists:

(1) **the township legislative body** shall act under IC 36-6-6-14(b) or IC 36-6-6-15, **in the case of a township in a county having a consolidated city; or**

(2) **the county legislative body shall act in the case of a county not having a consolidated city;**

to borrow a sum of money sufficient to meet the emergency.

(i) ~~The trustee, when submitting estimates~~ **An estimate submitted to the township board a legislative body for action shall under subsection (h) must include in the estimates** an item sufficient to cover ~~those~~ **expenditures necessary to meet the emergency.**

(j) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(k) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township **or county**. The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township **or county** the amount set forth in the certified statement of costs for real estate owned by the municipality.

(l) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement of costs for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption, and the department of local government finance shall deny the property tax exemption for the real estate.

SECTION 40. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor, upon receiving and filing ~~such trustee's~~ **a** certificate as prescribed in this **section 3(e) of this** chapter, shall immediately place said amounts on the tax duplicate of the county, and such amounts shall be due at the next tax

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1 paying time and shall be collected for the proper township or  
 2 townships, **or for the county**, the same as other state, county, or  
 3 township taxes are collected, including penalties, forfeitures, and sales,  
 4 and when so collected shall be paid to the proper trustee and placed in  
 5 the **appropriate township or county** fund.

6 SECTION 41. IC 15-3-4-5 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) A person  
 8 who:

9 (1) knowingly allows detrimental plants to grow and mature on  
 10 land owned or possessed by the person;

11 (2) knowing of the existence of detrimental plants on land owned  
 12 or possessed by the person, fails to cut them down or eradicate  
 13 them by chemicals each year, as prescribed in this chapter;

14 (3) having charge of or control over any highway, knowingly  
 15 allows detrimental plants to grow or mature on the right-of-way  
 16 of the highway, or, knowing of the existence of the detrimental  
 17 plants, fails to cut them down or eradicate them by chemicals, as  
 18 prescribed in this chapter;

19 (4) having charge of or control over the right-of-way of a railroad  
 20 or interurban company, knowingly allows detrimental plants to  
 21 grow and mature thereon, or knowing of the existence of the  
 22 detrimental plants, fails to cut them down or eradicate them by  
 23 chemicals, as prescribed in this chapter; or

24 (5) knowingly sells Canada thistle (*cirsium arvense*) seed;  
 25 commits a Class C infraction. Each day this section is violated  
 26 constitutes a separate infraction.

27 (b) All judgments collected under this section shall be:

28 (1) paid to the trustee and placed in the ~~trustee's~~ township ~~funds~~  
 29 **fund** for use at the discretion of the trustee, **in the case of**  
 30 **property located in a county having a consolidated city; or**

31 (2) **paid to the county and placed in the appropriate county**  
 32 **fund, in the case of property located in a county that does not**  
 33 **have a consolidated city.**

34 SECTION 42. IC 15-3-4-7 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. When the  
 36 annual budget is prepared **for a county having a consolidated city**, a  
 37 sufficient amount shall be appropriated to enable ~~the~~ **a** township  
 38 ~~officials~~ **trustee** to comply with this chapter.

39 SECTION 43. IC 15-3-4-8 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. (a) The Purdue  
 41 University cooperative extension service shall provide technical  
 42 assistance to township trustees **or the county** for the control of

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1 detrimental plants.

2 (b) All law enforcement agencies having jurisdiction in a township  
3 **or county** shall assist the township trustee **or the county** in carrying  
4 out the duties imposed on the trustee **or county** under this chapter.

5 SECTION 44. IC 15-3-4.6-3 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The weed  
7 control board consists of the following members to be appointed by the  
8 authorizing body:

9 (1) One (1) **member appointed as follows:**

10 (A) **In a county having a consolidated city, a township**  
11 **trustee of a township in the county.**

12 (B) **In a county not having a consolidated city, the official**  
13 **responsible for the destruction of detrimental plants**  
14 **described in this chapter or the official's designee.**

15 (2) One (1) soil and water conservation district supervisor.

16 (3) A representative from the agricultural community of the  
17 county.

18 (4) A representative from the county highway department or an  
19 appointee of the county commissioners. ~~and~~

20 (5) A cooperative extension service agent from the county to  
21 serve in non-voting advisory capacity.

22 Each board member shall be appointed for a term of four (4) years. All  
23 vacancies in the membership of the board shall be filled for the  
24 unexpired term in the same manner as initial appointments. The board  
25 shall elect a chairman and a secretary. The members of the board are  
26 not entitled to receive any compensation, but are entitled to such  
27 traveling and other expenses as may be necessary in the discharge of  
28 their duties. The board may appoint an executive director and employ  
29 necessary technical, professional, and other assistants, and it shall fix  
30 the qualifications, duties, and salaries of these employees subject to the  
31 permission of the county council. The county highway supervisor and  
32 the soil and water conservation district supervisor or employee serving  
33 the county shall serve as inspectors for the board. They shall make  
34 periodic inspections and report their findings to the board and the  
35 executive director, if any.

36 SECTION 45. IC 16-31-5-1 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) **After December**  
38 **31, 2010, this section, insofar as it applies to townships, applies only**  
39 **to a township:**

40 (1) **in a county having a consolidated city; and**

41 (2) **that has not consolidated the township's fire department**  
42 **under IC 36-3-1-6.1.**

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(b) The governing body of a city, town, township, or county by the governing body's action or in any combination may do the following:

(1) Establish, operate, and maintain emergency medical services.

(2) Levy taxes under and limited by IC 6-3.5 and expend appropriated funds of the political subdivision to pay the costs and expenses of establishing, operating, maintaining, or contracting for emergency medical services.

(3) Except as provided in section 2 of this chapter, authorize, franchise, or contract for emergency medical services. However:

(A) a county may not provide, authorize, or contract for emergency medical services within the limits of any city without the consent of the city; and

(B) a city or town may not provide, authorize, franchise, or contract for emergency medical services outside the limits of the city or town without the approval of the governing body of the area to be served.

(4) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(5) Establish and provide for the collection of reasonable fees for emergency ambulance services the governing body provides under this chapter.

(6) Pay the fees or dues for individual or group membership in any regularly organized volunteer emergency medical services association on their own behalf or on behalf of the emergency medical services personnel serving that unit of government.

SECTION 46. IC 16-41-19-7, AS AMENDED BY P.L.73-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. **(a) In a county not having a consolidated city:**

**(1) the county has all the rights, duties, and responsibilities of the township; and**

**(2) the county administrator for township assistance has all the rights, duties, and responsibilities of a township trustee; under this section.**

**(b)** Except as provided in subsection ~~(b)~~, **(c)**, all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

(1) the appropriate county, city, or town against which the application form is issued from general funds; ~~and~~

(2) the appropriate township against which the application form is issued from funds in the township assistance fund; **and**

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**(3) in the case of a county not having a consolidated city, the appropriate county against which the application form is issued from funds in the county township assistance fund established under IC 12-14-30;**

not otherwise appropriated without appropriations.

~~(b)~~ (c) A township is not responsible for paying for biologicals as provided in subsection ~~(a)(2)~~ (b) if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.

~~(c)~~ (d) After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee may require the individual to complete and file a standard application for township assistance in order to investigate the financial condition of the individual claiming to be indigent. The trustee shall immediately notify the individual's physician that:

(1) the financial ability of the individual claiming to be indigent is in question; and

(2) a standard application for township assistance must be filed with the township.

The township shall continue to furnish insulin under this section until the township trustee completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

~~(d)~~ (e) For purposes of this section, the township shall consider an adult individual needing insulin as an individual and not as a member of a household requesting township assistance.

SECTION 47. IC 22-11-14-2, AS AMENDED BY P.L.187-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The fire prevention and building safety commission shall:

(1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and

(2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

(1) name a competent operator who is to officiate at the display;

(2) set forth a brief resume of the operator's experience;

(3) be made in writing; and

(4) be received with the applicable fee by the division of fire and building safety at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may

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operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

(1) the chief of the fire department of the city or town in which the display is to be held; or

(2) the:

(A) township fire chief or the fire chief of the municipality nearest the site proposed, **before January 1, 2011; or**

(B) **county fire chief, after December 31, 2010;**

in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person may not possess, transport, or deliver special fireworks, except as authorized under this section.

SECTION 48. IC 22-11-14-3.5, AS ADDED BY P.L.187-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.5. The fire prevention and building safety commission may adopt rules under IC 4-22-2 that specify the conditions under which the chief of a municipal ~~or~~ fire department, township fire department, **or (after December 31, 2010) county fire department** may grant a permit to a person to sponsor a special discharge location in the municipality, ~~or~~ township, **or (after December 31, 2010) county.**

SECTION 49. IC 22-12-1-18.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18.7. "Qualified entity" means:

(1) a volunteer fire department (as defined in IC 36-8-12-2);

(2) the executive of a township providing fire protection under IC 36-8-13-3(a)(1); ~~or~~

(3) a municipality providing fire protection to a township under IC 36-8-13-3(a)(2) or IC 36-8-13-3(a)(3); **or**

(4) **after, December 31, 2010, the executive of a county providing fire protection under IC 36-8-13.5.**

SECTION 50. IC 23-14-33-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 7.5. "Cemetery fund"** means:

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(1) the township fund for a township in a county having a consolidated city; or

(2) the cemetery fund for a county not having a consolidated city.

SECTION 51. IC 23-14-33-32.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 32.5. "Township" means:

(1) a township in a county having a consolidated city; or

(2) a county not having a consolidated city.

SECTION 52. IC 23-14-33-32.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 32.6. "Township trustee" or "trustee" means:

(1) a township trustee for a township in a county having a consolidated city; or

(2) a county not having a consolidated city.

SECTION 53. IC 23-14-64-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. All expenses incurred by the trustee in administering this chapter shall be paid out of the ~~township cemetery fund. of the township.~~

SECTION 54. IC 23-14-68-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The township shall appropriate enough money to provide for the care, repair, and maintenance of each cemetery described in section 1(a) of this chapter that is located within the township. Funds shall be appropriated under this subsection in the same manner as other ~~township~~ appropriations.

(b) The township may levy a ~~township~~ cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the township fund **or other funds of the township** may be used.

SECTION 55. IC 23-14-69-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) If:

(1) no land suitable for a public cemetery is donated to a township; and

(2) if the township legislative body adopts a resolution approving the purchase;

the township ~~executive~~ may purchase land for the purpose of establishing a public cemetery.

(b) When land is purchased and conveyed to the township under subsection (a), the land must be set apart, kept in repair, and used as provided in section 6 of this chapter.

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SECTION 56. IC 23-14-69-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. All expenses incurred by the township trustee for administering this chapter shall be paid out of the ~~township cemetery~~ fund of the township.

SECTION 57. IC 32-21-2-13, AS AMENDED BY P.L.219-2007, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. (a) Except as provided in subsection (c), if the auditor of the county, or the township assessor under IC 6-1.1-5-9 and IC 6-1.1-5-9.1 **(or the county assessor under IC 6-1.1-5-9.1 of a county not having a consolidated city)** determines it necessary, an instrument transferring fee simple title to less than the whole of a tract that will result in the division of the tract into at least two (2) parcels for property tax purposes may not be recorded unless the auditor, ~~or township assessor,~~ **or county assessor** is furnished a drawing or other reliable evidence of the following:

- (1) The number of acres in each new tax parcel being created.
- (2) The existence or absence of improvements on each new tax parcel being created.
- (3) The location within the original tract of each new tax parcel being created.

(b) Any instrument that is accepted for recording and placed of record that bears the endorsement required by IC 36-2-11-14 is presumed to comply with this section.

(c) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

SECTION 58. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the

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owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township **or county**. If an agent or a tenant of the owner does not reside in the township **or county**, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 59. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.6. As used in this chapter, "township" means:**

- (1) a township in a county having a consolidated city; or
- (2) a county not having a consolidated city.

SECTION 60. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:**

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**(1) a township trustee for a township in a county having a consolidated city; or**

**(2) a county not having a consolidated city.**

SECTION 61. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township in which the property of the complaining property owner is located of the default under subsection (b), and the trustee has jurisdiction in the matter.

(d) The township trustee who receives a complaint under this section shall:

(1) estimate the costs for building, rebuilding, or repairing the partition fence; and

(2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee of a township is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where

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the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

(1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.

(2) A straight rail fence four and one-half (4 1/2) feet high.

(3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

(1) related to any of the interested property owners; or

(2) an interested property owner;

~~the trustee of any other township who resides nearest to where the fence is located shall~~ **township shall appoint another official to act** under this chapter.

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon

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the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 62. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 58. IC 15-3-4-2 (Concerning township trustees, **counties**, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 63. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 17. (a) This section does not apply to a township in a county having a consolidated city.**

**(b) After June 30, 2008, a township may not enter into a contract with a term that extends beyond December 31, 2010, unless the contract has been approved by the fiscal body of the county.**

SECTION 64. IC 36-2-15-5, AS AMENDED BY P.L.219-2007, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

(1) Countywide equalization.

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(2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(5) In a county in which the transfer of duties is required by subsection (e), performance of the assessment duties prescribed by IC 6-1.1.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

(1) fails to make a report that is required by law;

(2) fails to deliver a property tax record to the appropriate officer or board;

(3) fails to deliver an assessment to the county assessor; or

(4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

(1) the county assessor; or

(2) another township assessor in the county;

to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

(d) A transfer of duties between assessors under subsection (e) does not affect:

(1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or

(2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(e) If for a particular general election after June 30, 2008, the person elected to the office of township assessor or the office of township trustee-assessor has not attained the certification of a level two assessor-appraiser as provided in IC 3-8-1-23.5 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that

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would otherwise be performed in the township by the township assessor or township trustee-assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor or township trustee-assessor (as appropriate) if at a later election a person who has attained the certification of a level two assessor-appraiser as provided in IC 3-8-1-23.5 is elected to the office of township assessor or the office of township trustee-assessor.

(f) If assessment duties in a township are transferred to the county assessor under subsection (e):

(1) the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor; and

(2) the office of township trustee remains in place for the purpose of carrying out all functions of the office other than assessment duties prescribed by IC 6-1.1.

**(g) In a county not having a consolidated city, the county assessor shall perform in each township the functions of an assessing official and other duties of an assessing official prescribed by statute, including assessment duties prescribed by IC 6-1.1.**

SECTION 65. IC 36-2-19-7, AS AMENDED BY P.L.219-2007, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. ~~(a) Except as provided in subsection (b);~~ In a township in which IC 6-1.1-5-9 or IC 6-1.1-5-9.1 applies, the county surveyor shall file a duplicate copy of any plat described in section 4 of this chapter with the township assessor, **if any, and the county assessor.**

~~(b) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~

SECTION 66. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

#### **Chapter 21. County Fire Protection Duties**

**Sec. 1. After December 31, 2010, the county executive is responsible for providing fire protection in unincorporated areas of the county in a manner authorized by IC 36-8-13.5.**

**Sec. 2. The county executive may adopt an ordinance to provide for the imposition and collection of fees for ambulance services provided by the county fire department.**

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SECTION 67. IC 36-5-1-3, AS AMENDED BY P.L.219-2007, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) A petition for incorporation must be accompanied by the following items, to be supplied at the expense of the petitioners:

(1) A survey, certified by a surveyor registered under IC 25-21.5, showing the boundaries of and quantity of land contained in the territory sought to be incorporated.

(2) An enumeration of the territory's residents and landowners and their mailing addresses, completed not more than thirty (30) days before the time of filing of the petition and verified by the persons supplying it.

(3) Except as provided in subsection (b), a statement of the assessed valuation of all real property within the territory, certified by:

**(A) in a county that has a consolidated city,** the assessors of the townships in which the territory is located; **and**

**(B) in every other county, the county assessor.**

(4) A statement of the services to be provided to the residents of the proposed town and the approximate times at which they are to be established.

(5) A statement of the estimated cost of the services to be provided and the proposed tax rate for the town.

(6) The name to be given to the proposed town.

(b) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

SECTION 68. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

**Chapter 1.1. Dissolution of Township Government**

**Sec. 1. This chapter applies only to a county not having a consolidated city.**

**Sec. 2. Effective January 1, 2011:**

**(1) the office of township trustee of the township is abolished;**

**(2) the office of township assessor of the township is abolished, and the functions, duties, and responsibilities of the township assessor are transferred to the county assessor;**

**(3) the township board of the township is abolished;**

**(4) the functions, duties, and responsibilities of the township trustee, other than the functions, duties, and responsibilities**

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of the township trustee under IC 36-6-4-3(9) and of the township board of the township, are transferred to the county; and

(5) the functions, duties, and responsibilities of:

(A) the township trustee under IC 36-6-4-3(9); or

(B) the township assessor;

are transferred to the county assessor.

**Sec. 3. (a) On January 1, 2011, all:**

(1) assets;

(2) property rights;

(3) equipment;

(4) records;

(5) personnel (except as otherwise provided by statute); and

(6) contracts;

connected with the operations of a township other than the operations of the township assessor are transferred to the county.

(b) Notwithstanding subsection (a)(5), the county executive shall specify which township employees that provided fire protection services and emergency services before the dissolution of township government under this chapter become county employees responsible for fire protection services and emergency services.

(c) If, as of December 31, 2010, a township has a local board for the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund, that local board is dissolved on January 1, 2011, and the powers, duties, and responsibilities of the local board under IC 36-8-7 or IC 36-8-8, respectively, are assumed by the county's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the county may adopt an ordinance to adjust the membership of the county's local board to reflect the dissolution of the township's local board.

(d) A county shall levy taxes (within the county's maximum permissible ad valorem property tax levy limit) as necessary to provide for the payment of pension benefits:

(1) to members of the 1937 firefighters' pension fund; and

(2) for which, before the dissolution of township government under this chapter, the local board of a township in the county was responsible.

**Sec. 4. On January 1, 2011, all:**

(1) assets;

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- (2) property rights;
- (3) equipment;
- (4) records;
- (5) personnel (except as otherwise provided by statute); and
- (6) contracts;

connected with the operations of a township assessor are transferred to the county assessor.

**Sec. 5. (a)** Any indebtedness and any lease rental obligation incurred by a township before January 1, 2011, becomes an obligation of the county in which the township is located and shall be assumed, defeased, paid, or refunded by the county. The county may levy property taxes to pay township indebtedness or lease rental obligations relating to the acquisition of property for firefighting or emergency services only in the area of the county in which the county provides firefighting and emergency services. The county may levy property taxes throughout the county to pay township indebtedness or lease rental obligations relating to purposes other than the acquisition of property for firefighting or emergency services.

**(b)** Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness or lease rental obligations described in subsection (a), the county is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness or lease rental obligations.

**(c)** Notwithstanding subsections (a) and (b), a county may not assume all or a part of the indebtedness described in subsection (a) that will exceed the limitations on the amount of indebtedness that the county may incur.

**(d)** The rights of the trustee and the bondholders with respect to any:

- (1) indebtedness described in subsection (a); or
- (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (a);

remain the same, although the powers, duties, agreements, and liabilities of the townships have been transferred to the county, and the county shall be considered to have assumed all those powers, duties, agreements, and liabilities.

**Sec. 6.** Beginning January 1, 2011, notwithstanding any other law to the contrary, the township's distributive share of any state or local taxes or revenues (other than property taxes) is reduced to zero (0) and is transferred to the county.

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1       **Sec. 7. (a) As used in this section:**

2           (1) "maximum firefighting levy" means the maximum amount  
3           of ad valorem property taxes that a county may impose in a  
4           calendar year for deposit in the county firefighting fund  
5           established under IC 36-8-13.5-3; and

6           (2) "maximum general levy" means the maximum permissible  
7           ad valorem property tax levy under IC 6-1.1-18.5.

8           **(b) The maximum firefighting levy of a county for ad valorem**  
9           **property taxes first due and payable in 2011 is the combined**  
10           **maximum ad valorem property tax levies under IC 6-1.1-18.5:**

11           (1) of all of the townships in the county for the townships'  
12           firefighting funds established under IC 36-8-13-4 for taxes  
13           first due and payable in 2011 that would have applied if the  
14           townships were authorized to impose levies for that year; and

15           (2) applicable to areas of the townships that are not in a fire  
16           protection district under IC 36-8-11 or a fire protection  
17           territory under IC 36-8-19.

18           **(c) The maximum general levy of a county for ad valorem**  
19           **property taxes first due and payable in 2011 is the sum of:**

20           (1) the maximum general levy of the county for property taxes  
21           first due and payable in 2011 determined without reference to  
22           this section; plus

23           (2) the combined maximum general levies for property taxes  
24           first due and payable in 2011 of all of the townships in the  
25           county that would have applied if the townships were  
26           authorized to impose levies for that year.

27           **(d) The department of local government finance shall determine**  
28           **the amounts of the levies referred to in this section.**

29           **Sec. 8. (a) The balance on January 1, 2011, in a debt service**  
30           **fund of a township:**

31           (1) is transferred to the county in which the township is  
32           located; and

33           (2) shall be used by the county to pay indebtedness or lease  
34           rentals for which the fund was established.

35           **Any balance remaining in the fund after all payments for**  
36           **indebtedness or lease rentals required under this section have been**  
37           **made is transferred to the county general fund.**

38           **(b) The balance on January 1, 2011, in a township's cumulative**  
39           **building and equipment fund established under IC 36-8-14 for fire**  
40           **protection and related services:**

41           (1) is transferred to the county in which the township is  
42           located; and

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(2) shall be used by the county to pay any indebtedness or lease rentals related to fire protection services due after December 31, 2010.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county building and equipment fund established under IC 36-8-14-2.

(c) The balance on January 1, 2011, in a township's general fund:

(1) is transferred to the county in which the township is located; and

(2) shall be deposited in the county general fund.

(d) The balance on January 1, 2011, in a township's township assistance fund:

(1) is transferred to the county in which the township is located; and

(2) shall be deposited in the county township assistance fund.

(e) The department of local government finance shall determine the amounts to be transferred under this section.

(f) IC 36-1-8-5 does not apply to a balance referred to in this section.

SECTION 69. IC 36-6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies **only to all townships: a township in a county having a consolidated city.**

SECTION 70. IC 36-6-5-1, AS AMENDED BY P.L.219-2007, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) Except as provided in subsection (f); **(d)**, a township assessor shall be elected under IC 3-10-2-13 by the voters of each township having

**(1) a population of more than eight thousand (8,000). or**

**(2) an elected township assessor or the authority to elect a township assessor before January 1, 1979.**

**(b) Except as provided in subsection (f); a township assessor shall be elected under IC 3-10-2-14 in each township having a population of more than five thousand (5,000) but not more than eight thousand (8,000); if the legislative body of the township:**

**(1) by resolution; declares that the office of township assessor is necessary; and**

**(2) the resolution is filed with the county election board not later than the first date that a declaration of candidacy may be filed under IC 3-8-2.**

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(c) Except as provided in subsection (f), a township government that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this section.

(d) (b) The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

(e) (c) The term of office of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

(f) (d) A person who runs for the office of township assessor in an election after June 30, 2008, is subject to IC 3-8-1-23.5.

SECTION 71. IC 36-6-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies **only to all townships: a township in a county having a consolidated city.**

SECTION 72. IC 36-6-6-3, AS AMENDED BY P.L.240-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) This subsection applies to townships in a county containing a consolidated city. One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.

(b) This subsection applies to townships not included in subsection (a) or (c). A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant.

SECTION 73. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) Except as provided in subsections (b)

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and (c), two (2) members of the legislative body constitute a quorum.

(b) Four (4) members of the legislative body in a county containing a consolidated city constitute a quorum.

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum.

If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

SECTION 74. IC 36-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies **only** to all townships: **a township in a county having a consolidated city.**

SECTION 75. IC 36-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies **only** to all townships: **a township in a county having a consolidated city.**

SECTION 76. IC 36-8-3-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. After December 31, 2010, this chapter does not apply to:**

(1) a township that is located in a county not having a consolidated city; or

(2) a township that is located in a county having a consolidated city and that has consolidated the township's fire department under IC 36-3-1-6.1.

SECTION 77. IC 36-8-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) This section also applies to all towns and townships that have full-time, paid police or fire departments **and (after December 31, 2010) counties that have full-time, paid fire departments.** For purposes of this section, the appropriate appointing authority of a town, ~~or~~ township, **or (after December 31, 2010) county** is considered the safety board of a town, ~~or~~ township, **or county.** In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town for police department purposes.

(b) Except as provided in subsection (m), a member of the police or fire department holds office or grade until the member is dismissed or demoted by the safety board. Except as provided in subsection (n), a member may be disciplined by demotion, dismissal, reprimand,

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forfeiture, or suspension upon either:

- (1) conviction in any court of any crime; or
- (2) a finding and decision of the safety board that the member has been or is guilty of any one (1) or more of the following:
  - (A) Neglect of duty.
  - (B) A violation of rules.
  - (C) Neglect or disobedience of orders.
  - (D) Incapacity.
  - (E) Absence without leave.
  - (F) Immoral conduct.
  - (G) Conduct injurious to the public peace or welfare.
  - (H) Conduct unbecoming an officer.
  - (I) Another breach of discipline.

The safety board may not consider the political affiliation of the member in making a decision under this section. If a member is suspended or placed on administrative leave under this subsection, the member is entitled to the member's allowances for insurance benefits to which the member was entitled before being suspended or placed on administrative leave. In addition, the local unit may provide the member's allowances for any other fringe benefits to which the member was entitled before being suspended or placed on administrative leave.

(c) Before a member of a police or fire department may be suspended in excess of five (5) days without pay, demoted, or dismissed, the safety board shall offer the member an opportunity for a hearing. If a member desires a hearing, the member must request the hearing not more than five (5) days after the notice of the suspension, demotion, or dismissal. Written notice shall be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The hearing conducted under this subsection shall be held not more than thirty (30) days after the hearing is requested by the member, unless a later date is mutually agreed upon by the parties. The notice must state:

- (1) the time and place of the hearing;
- (2) the charges against the member;
- (3) the specific conduct that comprises the charges;
- (4) that the member is entitled to be represented by counsel;
- (5) that the member is entitled to call and cross-examine witnesses;
- (6) that the member is entitled to require the production of evidence; and
- (7) that the member is entitled to have subpoenas issued, served,

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and executed in the county where the unit is located.

If the corporation counsel or city attorney is a member of the safety board of a city, the counsel or attorney may not participate as a safety board member in a disciplinary hearing concerning a member of either department. The safety board shall determine if a member of the police or fire department who is suspended in excess of five (5) days shall continue to receive the member's salary during the suspension.

(d) Upon an investigation into the conduct of a member of the police or fire department, or upon the trial of a charge preferred against a member of either department, the safety board may compel the attendance of witnesses, examine them under oath, and require the production of books, papers, and other evidence at a meeting of the board. For this purpose, the board may issue subpoenas and have them served and executed in any part of the county where the unit is located. If a witness refuses to testify or to produce books or papers in the witness's possession or under the witness's control, IC 36-4-6-21 controls to the extent applicable. The proper court may compel compliance with the order by attachment, commitment, or other punishment.

(e) The reasons for the suspension, demotion, or dismissal of a member of the police or fire department shall be entered as specific findings of fact upon the records of the safety board. A member who is suspended for a period exceeding five (5) days, demoted, or dismissed may appeal the decision to the circuit or superior court of the county in which the unit is located. However, a member may not appeal any other decision.

(f) An appeal under subsection (e) must be taken by filing in court, within thirty (30) days after the date the decision is rendered, a verified complaint stating in concise manner the general nature of the charges against the member, the decision of the safety board, and a demand for the relief asserted by the member. A bond must also be filed that guarantees the appeal will be prosecuted to a final determination and that the plaintiff will pay all costs adjudged against the plaintiff. The bond must be approved as bonds for costs are approved in other cases. The unit must be named as the sole defendant, and the plaintiff shall have a summons issued as in other cases against the unit. Neither the safety board nor the members of it may be made parties defendant to the complaint, but all are bound by service upon the unit and the judgment rendered by the court.

(g) In an appeal under subsection (e), no pleading is required by the unit to the complaint, but the allegations are considered denied. The unit may file a motion to dismiss the appeal for failure to perfect it

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1 within the time and in the manner required by this section. If more than  
 2 one (1) person was included in the same charges and in the same  
 3 decision of dismissal by the safety board, then one (1) or more of the  
 4 persons may join as plaintiffs in the same complaint, but only the  
 5 persons that appeal from the decision are affected by it. The decision  
 6 of the safety board is final and conclusive upon all persons not  
 7 appealing. The decision appealed from is not stayed or affected  
 8 pending the final determination of the appeal, but remains in effect  
 9 unless modified or reversed by the final judgment of the court.

10 (h) A decision of the safety board is considered prima facie correct,  
 11 and the burden of proof is on the party appealing. All appeals shall be  
 12 tried by the court. The appeal shall be heard de novo only upon any  
 13 new issues related to the charges upon which the decision of the safety  
 14 board was made. The charges are considered to be denied by the  
 15 accused person. Within ten (10) days after the service of summons the  
 16 safety board shall file in court a complete transcript of all papers,  
 17 entries, and other parts of the record relating to the particular case.  
 18 Inspection of these documents by the person affected, or by the person's  
 19 agent, must be permitted by the safety board before the appeal is filed,  
 20 if requested. Each party may produce evidence relevant to the issues  
 21 that it desires, and the court shall review the record and decision of the  
 22 safety board upon appeal.

23 (i) The court shall make specific findings and state the conclusions  
 24 of law upon which its decision is made. If the court finds that the  
 25 decision of the safety board appealed from should in all things be  
 26 affirmed, its judgment should state that, and judgment for costs shall  
 27 be rendered against the party appealing. If the court finds that the  
 28 decision of the safety board appealed from should not be affirmed in all  
 29 things, then the court shall make a general finding, setting out  
 30 sufficient facts to show the nature of the proceeding and the court's  
 31 decision on it. The court shall either:

32 (1) reverse the decision of the safety board; or

33 (2) order the decision of the safety board to be modified.

34 (j) The final judgment of the court may be appealed by either party.  
 35 Upon the final disposition of the appeal by the courts, the clerk shall  
 36 certify and file a copy of the final judgment of the court to the safety  
 37 board, which shall conform its decisions and records to the order and  
 38 judgment of the court. If the decision is reversed or modified, then the  
 39 safety board shall pay to the party entitled to it any salary or wages  
 40 withheld from the party pending the appeal and to which the party is  
 41 entitled under the judgment of the court.

42 (k) Either party shall be allowed a change of venue from the court

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or a change of judge in the same manner as such changes are allowed in civil cases. The Indiana Rules of Trial Procedure govern in all matters of procedure upon the appeal that are not otherwise provided for by this section.

(l) An appeal takes precedence over other pending litigation and shall be tried and determined by the court as soon as practical.

(m) Except as provided in IC 36-5-2-13, the executive may reduce in grade any member of the police or fire department who holds an upper level policy making position. The reduction in grade may be made without adhering to the requirements of subsections (b) through (l). However, a member may not be reduced in grade to a rank below that which the member held before the member's appointment to the upper level policy making position.

(n) If the member is subject to criminal charges, the board may place the member on administrative leave until the disposition of the criminal charges in the trial court. Any other action by the board is stayed until the disposition of the criminal charges in the trial court. An administrative leave under this subsection may be with or without pay, as determined by the board. If the member is placed on leave without pay, the board, in its discretion, may award back pay if the member is exonerated in the criminal matter.

SECTION 78. IC 36-8-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.1. (a) This section also applies to all towns and townships that have full-time, paid police or fire departments **and, after December 31, 2010, counties that have full-time, paid fire departments.** For purposes of this section, the appropriate appointing authority of a town, ~~or township, or county~~ is considered the safety board of ~~a the town, or township, or county.~~ In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town.

(b) In addition to the disciplinary powers of the safety board, the chief of the department may, without a hearing, reprimand or suspend without pay a member, including a police radio or signal alarm operator or a fire alarm operator, for a maximum of five (5) working days. For the purposes of this section, eight (8) hours of paid time constitutes one (1) working day. If a chief reprimands a member in writing or suspends a member, the chief shall, within forty-eight (48) hours, notify the board in writing of the action and the reasons for the action. A member who is reprimanded in writing or suspended under this section may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the board review the reprimand or suspension and either uphold or reverse the chief's decision. At its

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discretion, the board may hold a hearing during this review. If the board holds a hearing, written notice must be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under section 4(c) of this chapter. If the decision is reversed, the member who was suspended is entitled to any wages withheld as a result of the suspension.

SECTION 79. IC 36-8-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. Members of the safety board and members of any township, town, or city (including a consolidated city) police department, fire department (**including, after December 31, 2010, a county fire department**), or volunteer fire department (as defined by IC 36-8-12-2) may:

- (1) be candidates for elective office and serve in that office if elected;
- (2) be appointed to any office and serve in that office if appointed; and
- (3) as long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the office for which they are candidates.

SECTION 80. IC 36-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) This chapter applies to each municipality or township that has a full-time paid police or fire department **and, after December 31, 2010, to each county that has a full-time paid fire department. After December 31, 2010, this chapter does not apply to a township that is located in a county not having a consolidated city, or that is located in a county having a consolidated city but has consolidated the township's fire department under IC 36-3-1-6.1.** A municipality may exercise the power of establishing a merit system for its police or fire department under this chapter or by ordinance adopted under IC 36-1-4-14. **A county may exercise the power of establishing a merit system for the county's fire department under this chapter or by ordinance adopted under IC 36-1-4-14.** A township may exercise the power of establishing a merit system for its fire department under this chapter or by resolution under IC 36-1-4-14. This chapter does not affect merit systems established:

- (1) by ordinance under IC 36-1-4-14, except as provided by subsection (e);
- (2) by resolution under IC 36-1-4-14, except as provided by subsection (f); or

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(3) by a prior statute, except as provided by subsection (b).

(b) If a city had a merit system for its police or fire department under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2, IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29, IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5, it may retain that system by ordinance of the city legislative body passed before January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute but may be amended by the legislative body after December 31, 1984. The ordinance retaining the system must be amended, if necessary, to include a provision under which the commission (or governing board of the merit system) has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must:

(1) be a person of good moral character; and

(2) except for a member of a fire department having a merit system established under IC 19-1-37.5, not be an active member of a police or fire department or agency.

(c) After December 31, 1984, the legislative body also may repeal the ordinance described in subsection (b), but the legislative body shall in the repealing ordinance concurrently establish a new merit system under section 3 of this chapter. (This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend the ordinance under subsection (b).) After the new merit system takes effect, all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.

(d) If a city had a merit system for its police or fire department under a prior statute but fails to retain that system under subsection (b), the city legislative body shall, before July 1, 1983, pass an ordinance to establish a new merit system under section 3 of this chapter. If the new merit system is approved as provided by section 4 of this chapter, it takes effect as provided by that section. However, if the new merit system is rejected under section 4 of this chapter, within thirty (30) days the city legislative body shall adopt an ordinance to retain the prior merit system. The prior merit system remains in effect until the new merit system takes effect, after which time all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.

(e) An ordinance adopted under IC 36-1-4-14 to establish a police or fire merit system must include a provision under which the

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commission, or governing board of the merit system, has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must be a person of good moral character who is not an active member of a police or fire department or agency. If an ordinance was adopted under IC 36-1-4-14 before July 1, 1988, the ordinance must be amended to include this requirement.

(f) This chapter does not prevent a township or other unit that has adopted a merit system under section 3 of this chapter from later amending or deleting any provisions of the merit system contained in this chapter. However, the merit system must include a provision under which the commission has at least one-third (1/3) of its members elected by the active members of the department, as set forth in section 8 of this chapter and a provision that incorporates the requirements of section 6(a) of this chapter. This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend under this subsection.

SECTION 81. IC 36-8-7-1, AS AMENDED BY P.L.227-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1937 fund.

(d) A firefighter who:

- (1) is covered by this chapter before a consolidation under IC 36-3-1-6.1; and
- (2) becomes a member of a fire department of a consolidated city under IC 36-3-1-6.1;

is covered by this chapter after the effective date of the consolidation,

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and the firefighter's service as a member of a fire department of a consolidated city is considered active service under this chapter.

**(e) A firefighter who:**

**(1) as of December 31, 2010, is a member of the 1937 fund as a firefighter with a township fire department, fire protection territory, or fire protection district within a county; and**

**(2) after the dissolution of township government under IC 36-6-1.1 becomes a member of the county fire department; is covered by this chapter after the firefighter becomes a member of the county fire department, and the firefighter's service as a member of a township fire department, fire protection territory, or fire protection district that was covered under this chapter before January 1, 2011, is considered active service under this chapter.**

SECTION 82. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

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(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; ~~and~~

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; **and**

**(9) a full-time fully paid firefighter who:**

**(A) as of December 31, 2010, is a member of the 1977 fund as a firefighter with a township fire department, fire protection territory, or fire protection district within a county; and**

**(B) after the dissolution of township government under IC 36-6-1.1 becomes a member of the county fire department;**

except as provided by section 7 of this chapter.

SECTION 83. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

**(3) This subdivision does not apply to a township in a county having a consolidated city. For a township that established a 1937 fund for its firefighters, "local board" after December 31, 2010, means the local board of the county.**

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in

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1 IC 36-8-6-2(b). However, if there is not a retired member of the  
2 department, no one shall be appointed to that position until such time  
3 as there is a retired member.

4 (c) If a unit did not establish a 1937 fund for its firefighters, a local  
5 board shall be composed in the same manner described in  
6 IC 36-8-7-3(b). However, if there is not a retired member of the  
7 department, no one shall be appointed to that position until such time  
8 as there is a retired member.

9 SECTION 84. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,  
10 SECTION 575, IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Except as provided in  
12 subsections (d), (e), (f), (g), (h), (k), (l), ~~and~~ (m), **and (n)**:

13 (1) a police officer; or

14 (2) a firefighter;

15 who is less than thirty-six (36) years of age and who passes the baseline  
16 statewide physical and mental examinations required under section 19  
17 of this chapter shall be a member of the 1977 fund and is not a member  
18 of the 1925 fund, the 1937 fund, or the 1953 fund.

19 (b) A police officer or firefighter with service before May 1, 1977,  
20 who is hired or rehired after April 30, 1977, may receive credit under  
21 this chapter for service as a police officer or firefighter prior to entry  
22 into the 1977 fund if the employer who rehires the police officer or  
23 firefighter chooses to contribute to the 1977 fund the amount necessary  
24 to amortize the police officer's or firefighter's prior service liability over  
25 a period of not more than forty (40) years, the amount and the period  
26 to be determined by the PERF board. If the employer chooses to make  
27 the contributions, the police officer or firefighter is entitled to receive  
28 credit for the police officer's or firefighter's prior years of service  
29 without making contributions to the 1977 fund for that prior service. In  
30 no event may a police officer or firefighter receive credit for prior years  
31 of service if the police officer or firefighter is receiving a benefit or is  
32 entitled to receive a benefit in the future from any other public pension  
33 plan with respect to the prior years of service.

34 (c) Except as provided in section 18 of this chapter, a police officer  
35 or firefighter is entitled to credit for all years of service after April 30,  
36 1977, with the police or fire department of an employer covered by this  
37 chapter.

38 (d) A police officer or firefighter with twenty (20) years of service  
39 does not become a member of the 1977 fund and is not covered by this  
40 chapter, if the police officer or firefighter:

41 (1) was hired before May 1, 1977;

42 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both

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of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this

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chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city;

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and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

**(m) Notwithstanding any other provision of this chapter, a firefighter who:**

**(1) as of December 31, 2010, is a member of the 1977 fund as a firefighter with a township fire department, fire protection territory, or fire protection district within a county; and**

**(2) after the dissolution of township government under IC 36-6-1.1 becomes a member of the county fire department;**

**is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter. A firefighter described in this subsection is entitled to receive credit for all years of service as a member of the 1977 fund before becoming a member of the county fire department.**

~~(m)~~ **(n)** A police officer or firefighter who is a member of the 1977 fund under subsection (k), ~~or~~ (l), **or (m)** may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

SECTION 85. IC 36-8-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) A county legislative body may establish fire protection districts for any of the following purposes:

(1) Fire protection, including the capability for extinguishing all fires that might be reasonably expected because of the types of improvements, personal property, and real property within the boundaries of the district.

(2) Fire prevention, including identification and elimination of all potential and actual sources of fire hazard.

(3) Other purposes or functions related to fire protection and fire prevention.

(b) Any area may be established as a fire protection district, but one (1) part of a district may not be completely separate from another part. A municipality may be included in a district, but only if it consents by ordinance, unless a majority of the freeholders of the municipality have petitioned to be included in the district.

(c) Except as provided in subsection (d), the territory of a district

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may consist of:

- (1) one (1) or more townships and parts of one (1) or more townships in the same county; or
- (2) all of the townships in the same county.

The boundaries of a district need not coincide with those of other political subdivisions.

(d) The territory of a district may consist of a municipality that is located in more than one (1) county.

**(e) The dissolution of township government under IC 36-6-1.1 and the transfer of fire protection responsibilities to counties under IC 36-2-21 and IC 36-8-13.5 (effective January 1, 2011) does not:**

- (1) terminate or otherwise affect a fire protection district in existence under this chapter as of December 31, 2010; or**
- (2) terminate or otherwise affect the authority of a county legislative body to establish fire protection districts under this chapter.**

SECTION 86. IC 36-8-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) The board:

- (1) has the same powers and duties as a township executive **(before January 1, 2011) or county executive (after December 31, 2010)** with respect to fire protection functions, including those duties and powers prescribed by IC 36-8-13 **(before January 1, 2011) or IC 36-8-13.5 (after December 31, 2010)**, although all cooperative and joint actions permitted by that chapter must be undertaken according to this chapter;
- (2) has the same powers and duties as a township executive **(before January 1, 2011) or county executive (after December 31, 2010)** relative to contracting with volunteer firefighting companies, as prescribed by IC 36-8-12, ~~and~~ IC 36-8-13 **(before January 1, 2011) or IC 36-8-13.5 (after December 31, 2010)**;
- (3) shall appoint, fix the compensation, and prescribe the duties of a fiscal officer, secretarial staff, persons performing special and temporary services or providing legal counsel, and other personnel considered necessary for the proper functioning of the district; however, a person appointed as fiscal officer must be bonded by good and sufficient sureties in an amount ordered by the county legislative body to protect the district from financial loss;
- (4) shall exercise general supervision of and make regulations for the administration of the district's affairs;
- (5) shall prescribe uniform rules pertaining to investigations and hearings;

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- 1 (6) shall supervise the fiscal affairs and responsibilities of the
- 2 district;
- 3 (7) may delegate to employees of the district the authority to
- 4 perform ministerial acts, except in cases in which final action of
- 5 the board is necessary;
- 6 (8) shall keep accurate and complete records of all departmental
- 7 proceedings, record and file all bonds and contracts, and assume
- 8 responsibility for the custody and preservation of all papers and
- 9 documents of the district;
- 10 (9) shall make an annual report to the executive and the fiscal
- 11 body of the county that at least lists the financial transactions of
- 12 the district and a statement of the progress in accomplishing the
- 13 purposes for which the district has been established;
- 14 (10) shall adopt a seal and certify all official acts;
- 15 (11) may sue and be sued collectively by its legal name ("Board
- 16 of Fire Trustees, \_\_\_\_\_ Fire Protection District"), with
- 17 service of process made on the chairman of the board, but costs
- 18 may not be taxed against the members individually in an action;
- 19 (12) may invoke any legal, equitable, or special remedy for the
- 20 enforcement of this chapter or of proper action of the board taken
- 21 in a court;
- 22 (13) shall prepare and submit to the fiscal body of the county an
- 23 annual budget for operation and maintenance expenses and for the
- 24 retirement of obligations of the district, subject to review and
- 25 approval by the fiscal body;
- 26 (14) may, if advisable, establish one (1) or more advisory
- 27 committees;
- 28 (15) may enter into agreements with and accept money from a
- 29 federal or state agency and enter into agreements with a
- 30 municipality located within or outside the district, whether or not
- 31 the municipality is a part of the district, for a purpose compatible
- 32 with the purposes for which the district exists and with the
- 33 interests of the municipality;
- 34 (16) may accept gifts of money or other property to be used for
- 35 the purposes for which the district is established;
- 36 (17) may levy taxes at a uniform rate on the real and personal
- 37 property within the district;
- 38 (18) may issue bonds and tax anticipation warrants;
- 39 (19) may incur other debts and liabilities;
- 40 (20) may purchase or rent property;
- 41 (21) may sell services or property that are produced incident to
- 42 the operations of the district making a fair and reasonable charge

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for it;

(22) may make contracts or otherwise enter into agreements with public or private persons and federal or state agencies for construction, maintenance, or operations of or in part of the district;

(23) may receive and disburse money; and

(24) may impose a false alarm fee or service charge under IC 36-8-13-4 **or, after December 31, 2010, IC 36-8-13.5-3.**

(b) Powers granted by this chapter may be used only to accomplish the purpose or purposes as stated in the ordinance or resolution establishing the district. However, an act of the board necessary and proper to accomplish the purposes for which the district is established is not invalid because it incidentally accomplishes a purpose other than one for which the district is established.

SECTION 87. IC 36-8-11-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. The department of local government finance, when approving a rate and levy fixed by the board, shall verify that a duplication of tax levies does not exist between a fire protection district and a municipality, ~~or~~ township, **or, after December 31, 2010, county** within the boundaries of the district, so that taxpayers do not bear two (2) levies for the same service, except as provided by section 20 of this chapter.

SECTION 88. IC 36-8-11-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. This chapter does not require a municipality, ~~or~~ township, **or, after December 31, 2010, county** to disband its fire department unless its legislative body consents by ordinance.

SECTION 89. IC 36-8-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. Except as provided in section 10 of this chapter, this chapter applies **as follows:**

**(1) Before January 1, 2011,** to all units except counties.

**(2) After December 31, 2010, to all units except a township that:**

**(A) is located in a county having a consolidated city; and**

**(B) has consolidated the township's fire department under IC 36-3-1-6.1.**

SECTION 90. IC 36-8-12-13, AS AMENDED BY P.L.107-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) A volunteer fire department may impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined in IC 13-11-2-191(d)) that is involved in a hazardous material or fuel spill or chemical or hazardous material

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related fire (as defined in IC 13-11-2-96(b)):

(1) that is responded to by the volunteer fire department; and

(2) that members of that volunteer fire department assisted in extinguishing, containing, or cleaning up.

(b) The volunteer fire department shall bill the owner or responsible party of the vehicle for the total dollar value of the assistance that was provided, with that value determined by a method that the state fire marshal shall establish under IC 36-8-12-16. A copy of the fire incident report to the state fire marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner or responsible party shall remit payment directly to the governmental unit providing the service. Any money that is collected under this section may be:

(1) deposited in:

**(A) before January 1, 2011, the township firefighting fund established in IC 36-8-13-4; or**

**(B) after December 31, 2010, the township firefighting fund established under IC 36-8-13-4 (in the case of a township that is located in a county having a consolidated city and that has not consolidated the township's fire department under IC 36-3-1-6.1) or the county firefighting fund established under IC 36-8-13.5-3 (in the case of a county not having a consolidated city);**

(2) used to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus; or

(3) used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

(c) The volunteer fire department may maintain a civil action to recover an unpaid charge that is imposed under subsection (a).

SECTION 91. IC 36-8-12-16, AS AMENDED BY P.L.107-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) A volunteer fire department that provides service within a jurisdiction served by the department may establish a schedule of charges for the services that the department provides not to exceed the state fire marshal's recommended schedule for services. The volunteer fire department or its agent may collect a service charge according to this schedule from the owner of property that receives service if the following conditions are met:

(1) At the following times, the department gives notice under IC 5-3-1-4(d) in each political subdivision served by the

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department of the amount of the service charge for each service that the department provides:

(A) Before the schedule of service charges is initiated.

(B) When there is a change in the amount of a service charge.

(2) The property owner has not sent written notice to the department to refuse service by the department to the owner's property.

(3) The bill for payment of the service charge:

(A) is submitted to the property owner in writing within thirty (30) days after the services are provided; and

(B) includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report.

(b) A volunteer fire department shall use the revenue collected from the fire service charges under this section for:

(1) the purchase of equipment, buildings, and property for firefighting, fire protection, or other emergency services;

(2) deposit in:

(A) **before January 1, 2011**, the township firefighting fund established under IC 36-8-13-4; or

(B) **after December 31, 2010**, the township firefighting fund established under IC 36-8-13-4 (in the case of a township that is located in a county having a consolidated city and that has not consolidated the township's fire department under IC 36-3-1-6.1) or the county firefighting fund established under IC 36-8-13.5-3 (in the case of a county not having a consolidated city); or

(3) ~~to pay~~ **payment of** principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(c) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the schedule of service charges established under subsection (a) before the schedule of service charges is initiated in that political subdivision.

(d) A volunteer fire department that:

(1) has contracted with a political subdivision to provide fire protection or emergency services; and

(2) charges for services under this section;

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1 must submit a report to the legislative body of the political subdivision  
2 before April 1 of each year indicating the amount of service charges  
3 collected during the previous calendar year and how those funds have  
4 been expended.

5 (e) The state fire marshal shall annually prepare and publish a  
6 recommended schedule of service charges for fire protection services.

7 (f) The volunteer fire department or its agent may maintain a civil  
8 action to recover an unpaid service charge under this section.

9 SECTION 92. IC 36-8-12-17, AS AMENDED BY P.L.107-2007,  
10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2008]: Sec. 17. (a) If a political subdivision has not imposed  
12 its own false alarm fee or service charge, a volunteer fire department  
13 that provides service within the jurisdiction may establish a service  
14 charge for responding to false alarms. The volunteer fire department  
15 may collect the false alarm service charge from the owner of the  
16 property if the volunteer fire department dispatches firefighting  
17 apparatus or personnel to a building or premises in the ~~township~~  
18 **political subdivision** in response to:

19 (1) an alarm caused by improper installation or improper  
20 maintenance; or

21 (2) a drill or test, if the fire department is not previously notified  
22 that the alarm is a drill or test.

23 However, if the owner of property that constitutes the owner's residence  
24 establishes that the alarm is under a maintenance contract with an  
25 alarm company and that the alarm company has been notified of the  
26 improper installation or maintenance of the alarm, the alarm company  
27 is liable for the payment of the fee or service charge.

28 (b) Before establishing a false alarm service charge, the volunteer  
29 fire department must provide notice under IC 5-3-1-4(d) in each  
30 political subdivision served by the department of the amount of the  
31 false alarm service charge. The notice required by this subsection must  
32 be given:

33 (1) before the false alarm service charge is initiated; and

34 (2) before a change in the amount of the false alarm service  
35 charge.

36 (c) A volunteer fire department may not collect a false alarm service  
37 charge from a property owner or alarm company unless the  
38 department's bill for payment of the service charge:

39 (1) is submitted to the property owner in writing within thirty (30)  
40 days after the false alarm; and

41 (2) includes a copy of a fire incident report in the form prescribed  
42 by the state fire marshal.

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(d) A volunteer fire department shall use the money collected from the false alarm service charge imposed under this section:

(1) for the purchase of equipment, buildings, and property for fire fighting, fire protection, or other emergency services;

(2) for deposit in:

(A) before January 1, 2011, the township firefighting fund established under IC 36-8-13-4; or

(B) after December 31, 2010, the township firefighting fund established under IC 36-8-13-4 (in the case of a township that is located in a county having a consolidated city and that has not consolidated the township's fire department under IC 36-3-1-6.1) or the county firefighting fund established under IC 36-8-13.5-3 (in the case of a county not having a consolidated city); or

(3) to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(e) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the false alarm service charge established under subsection (a) before the service charge is initiated in that political subdivision.

(f) A volunteer fire department that:

(1) has contracted with a political subdivision to provide fire protection or emergency services; and

(2) imposes a false alarm service charge under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of false alarm charges collected during the previous calendar year and how those funds have been expended.

(g) The volunteer fire department may maintain a civil action to recover unpaid false alarm service charges imposed under this section.

SECTION 93. IC 36-8-13-1, AS AMENDED BY P.L.227-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to all townships **in a county that has a consolidated city**. However, this chapter does not apply to a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1.

SECTION 94. IC 36-8-13.5 IS ADDED TO THE INDIANA CODE

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AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
JANUARY 1, 2011]:

**Chapter 13.5. County Fire Protection and Emergency Services**

**Sec. 1. This chapter does not apply to any of the following:**

- (1) A county having a consolidated city.
- (2) A county that has a fire protection district under IC 36-8-11 that includes the total combined area of all the unincorporated area of the county.
- (3) A county that is a participating unit (as defined in IC 36-8-19-2) in a fire protection territory that includes all the unincorporated area of the county.

**Sec. 2. (a) The executive of a county, with the approval of the legislative body, may do the following in carrying out the county's responsibility under IC 36-2-21 to provide fire protection services:**

- (1) Purchase firefighting and emergency services apparatus and equipment for the county, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the county but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:

- (A) A war veteran who has been honorably discharged from the United States armed forces.

- (B) A person whose mother or father was a:

- (i) firefighter of a unit;
- (ii) municipal police officer; or
- (iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.

(2) Contract with a municipality in the county or in a contiguous county that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services in the county in accordance with IC 36-1-7.

(3) Cooperate with a municipality in the county or in a

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contiguous county in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and county in accordance with IC 36-1-7.

(4) Contract with a volunteer fire department that has been organized to fight fires in the county for the use and operation of firefighting apparatus and equipment that has been purchased by the county in order to save the private and public property of the county from destruction by fire, including use of the apparatus and equipment in an adjoining county by the department if the department has made a contract with the executive of the adjoining county to furnish firefighting service within the county.

(5) Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.

(b) This subsection applies only to counties that provide fire protection or emergency services, or both, under subsection (a)(1) and to municipalities that have all municipal territory completely within a county and do not have a full-time paid fire department. A county may provide fire protection or emergency services, or both, without contracts inside the corporate boundaries of the municipalities if before July 1 of a year the following occur:

(1) The legislative body of the municipality adopts an ordinance to have the county provide the services without a contract.

(2) The county legislative body passes a resolution approving the county's provision of the services without contracts to the municipality.

In a county providing services to a municipality under this section, the legislative body of either the county or a municipality in the county may opt out of participation under this subsection by adopting an ordinance or a resolution, respectively, before July 1 of a year.

Sec. 3. (a) For each calendar year after 2011, each county shall annually establish a county firefighting fund that is to be the exclusive fund used by the county for the payment of costs attributable to providing fire protection or emergency services under the methods prescribed in section 2 of this chapter and for no other purposes. The money in the fund may be paid out by the county executive with the consent of the county legislative body.

(b) Each county may levy, for each year, a tax for the county firefighting fund. Other than a county providing fire protection or

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emergency services, or both, to municipalities in the county under section 2(b) of this chapter, the tax levy is on all taxable real and personal property in the county that is outside the corporate boundaries of municipalities and that is not included in a fire protection territory or fire protection district. Subject to the levy limitations contained in IC 6-1.1-18.5, the county levy is to be in an amount sufficient to pay all costs attributable to fire protection and emergency services that are not paid from other revenues available to the fund. The tax rate and levy shall be established in accordance with the procedures set forth in IC 6-1.1-17.

(c) In addition to the tax levy and service charges received under IC 36-8-12-13 and IC 36-8-12-16, the executive may accept donations to the county for firefighting and other emergency services and shall place the donations in the fund, keeping an accurate record of the sums received. A person may also donate partial payment of any purchase of firefighting or other emergency services equipment made by the county.

(d) If a fire department serving a county dispatches fire apparatus or personnel to a building or premises in the county in response to:

- (1) an alarm caused by improper installation or improper maintenance; or
- (2) a drill or test, if the fire department is not previously notified that the alarm is a drill or test;

the county may impose a fee or service charge upon the owner of the property. However, if the owner of property that constitutes the owner's residence establishes that the alarm is under a maintenance contract with an alarm company and that the alarm company has been notified of the improper installation or maintenance of the alarm, the alarm company is liable for the payment of the fee or service charge.

(e) The amount of a fee or service charge imposed under subsection (d) shall be determined by the county legislative body. All money received by the county from the fee or service charge must be deposited in the county's firefighting fund.

Sec. 4. (a) This section applies to a county that provides fire protection or emergency services, or both, to a municipality in the county under section 2(b) of this chapter.

(b) With the consent of the county legislative body, the county executive shall pay the expenses for fire protection and emergency services in the county, both inside and outside the corporate boundaries of participating municipalities, from any combination

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of the following county funds, regardless of when the funds were established:

(1) The county firefighting fund under section 3(a) of this chapter.

(2) The cumulative building and equipment fund under IC 36-8-14.

(3) The debt fund for taxes levied under sections 7 and 8 of this chapter.

(c) Subject to the levy limitations contained in IC 6-1.1-18.5, the tax rate and levy for the county firefighting fund, the cumulative building and equipment fund, or the debt fund are to be in an amount sufficient to pay all costs attributable to fire protection or emergency services that are provided to the county and the participating municipalities that are not paid from other available revenues. The tax rate and levy for each fund shall be established in accordance with the procedures set forth in IC 6-1.1-17 and apply both inside and outside the corporate boundaries of participating municipalities.

(d) The county executive may accept donations for firefighting and emergency services. The county executive shall place donations in the county firefighting fund. A person may donate partial payment of a purchase of firefighting or emergency services equipment made by the county.

Sec. 5. (a) For counties and municipalities that elect to have the county provide fire protection and emergency services under section 2(b) of this chapter, the department of local government finance shall adjust each county's and each municipality's maximum permissible ad valorem property tax levy in the year following the year in which the change is elected, as determined under IC 6-1.1-18.5-3, to reflect the change from providing fire protection under a contract between the municipality and the county to allowing the county to impose a property tax levy on the taxable property located within the corporate boundaries of each municipality. Each municipality's maximum permissible ad valorem property tax levy shall be reduced by the amount of the municipality's property tax levy that was imposed by the municipality to meet the obligations to the county under the fire protection contract. The county's maximum permissible ad valorem property tax levy shall be increased by the product of:

(1) one and five-hundredths (1.05); multiplied by

(2) the amount the county received:

(A) in the year in which the change is elected; and

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(B) as fire protection contract payments from all municipalities whose levy is decreased under this section.

(b) For purposes of determining a county's or municipality's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3 for years following the first year after the year in which the change is elected, a county's or municipality's maximum permissible ad valorem property tax levy is the levy after the adjustment made under subsection (a).

Sec. 6. After a sufficient appropriation has been made and approved and is available for the purchase of firefighting apparatus and equipment, including housing, the county executive, with the approval of the county legislative body, may purchase firefighting apparatus and equipment for the county on an installment conditional sale or mortgage contract running for a period not exceeding:

(1) six (6) years; or

(2) fifteen (15) years for a county that is purchasing the firefighting equipment with funding from the:

(A) state or its instrumentalities; or

(B) federal government or its instrumentalities.

The purchase shall be amortized in equal or approximately equal installments payable on January 1 and July 1 each year.

Sec. 7. (a) Subject to section 8 of this chapter, the executive and legislative body, on behalf of the county, also may borrow the necessary money from a financial institution in Indiana to make the purchase on the same terms. The executive and legislative body shall, on behalf of the county, execute and deliver to the institution the negotiable note or bond of the county for the sum borrowed. The note or bond must bear interest, with both principal and interest payable in equal or approximately equal installments on January 1 and July 1 each year over a period not exceeding six (6) years.

(b) The first installment of principal and interest on a contract, chattel mortgage, note, or bond is due on the next January 1 or July 1 following the first tax collection for which it is possible for the county to levy a tax. The executive and legislative body shall appropriate and levy a tax each year sufficient to pay the obligation according to its terms. An obligation of the county executed under this chapter is a valid and binding obligation of the county, notwithstanding any tax limitation, debt limitation, bonding, borrowing, or other statute to the contrary.

Sec. 8. (a) If the executive and the legislative body determine

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that money should be borrowed under section 7 of this chapter, not less than ten (10) taxpayers in the county who disagree with the determination may file a petition in the office of the county auditor not more than thirty (30) days after notice of the determination is given. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the borrowing to be unnecessary or unwise.

(b) The county auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a date, time, and place for the hearing of the matter. The hearing shall be held not less than five (5) and not more than thirty (30) days after the receipt of the certified documents.

(c) The hearing shall be held in the county where the petition arose.

(d) Notice of the hearing shall be given by the department of local government finance to the county and to the first ten (10) taxpayer petitioners listed on the petition by letter. The letter shall be sent to the first ten (10) taxpayer petitioners at the taxpayer's usual place of residence at least five (5) days before the date of the hearing.

(e) A:

(1) taxpayer who signed a petition filed under subsection (a);  
or

(2) county against which a petition under subsection (a) is filed;

may petition for judicial review of the final determination of the department of local government finance under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the date of the department's final determination.

**Sec. 9. (a)** All purchases of firefighting apparatus and equipment shall be made in the manner provided by statute for the purchase of county supplies. If the amount involved is sufficient to require notice under statutes for bids in connection with the purchase of apparatus or equipment, the notice must offer all bidders the opportunity of proposing to sell the apparatus or equipment to the county upon a conditional sale or mortgage contract.

(b) A bidder proposing to sell on a conditional sale or mortgage contract shall state in the bidder's bid the proposed interest rate

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and terms of the conditional sale or contract, to be considered by the county executive and legislative body in determining the best bid received.

(c) All bids submitted must specify the cash price at which the bidder proposes to sell the apparatus or equipment to the county so that the executive and legislative body may determine whether it is in the best interest of the county to purchase the apparatus or equipment on the terms of a conditional sale or mortgage contract proposed by the bidder or to purchase the apparatus or equipment for cash if sufficient funds are available or can be raised by negotiating a loan with a financial institution in accordance with this section.

**Sec. 10.** A county having a regularly organized fire department employing full-time firefighters may procure at the county's expense:

(1) an insurance policy for each member of the department insuring the member against the loss of life or dismemberment while in the performance of regularly assigned duties; and

(2) group insurance providing supplemental income protection for a member of the department who has been injured during the course of employment.

The insurance coverage shall be selected with the consent of the members and is supplemental to other benefits provided the injured member by law.

**Sec. 11. (a)** A county shall pay for the care of a full-time, paid firefighter who:

- (1) suffers an injury; or
- (2) contracts an illness;

during the performance of the firefighter's duty.

(b) The county shall pay for the following expenses incurred by a firefighter described in subsection (a):

- (1) Medical and surgical care.
- (2) Medicines and laboratory, curative, and palliative agents and means.
- (3) X-ray, diagnostic, and therapeutic services, including during the recovery period.
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the county firefighting fund established under section 3 of this chapter.

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(d) A county that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The county's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the firefighter against the third party.

**Sec. 12.** Notwithstanding section 3 of this chapter, a county fiscal body may after December 31, 2010, authorize the county executive to borrow a specified sum from a county fund other than the county firefighting fund if the county fiscal body finds that the emergency requiring the expenditure of money is related to paying the operating expenses of a county fire department or a volunteer fire department. The county fiscal body shall provide for payment of the debt by imposing a levy to the credit of the fund from which the amount was borrowed under this subsection.

SECTION 95. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to ~~all the following~~ units: ~~except counties~~:

(1) A municipality.

(2) A township in a county that has a consolidated city.

(3) A county that:

(A) does not have a consolidated city;

(B) does not have a fire protection district under IC 36-8-11 that includes the total combined area of all of the townships in the county; and

(C) is not a participating unit (as defined in IC 36-8-19-2) in a fire protection territory that includes all of the unincorporated area of the county.

SECTION 96. IC 36-8-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) As used in this section, "emergency medical services" has the meaning set forth in IC 16-18-2-110.

(b) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(c) The legislative body of a unit or the board of fire trustees of a fire protection district may provide a cumulative building and equipment fund under IC 6-1.1-41 for the following purposes:

(1) The:

(A) purchase, construction, renovation, or addition to buildings; or

(B) purchase of land;

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used by the fire department or a volunteer fire department serving the unit.

(2) The purchase of firefighting equipment for use of the fire department or a volunteer fire department serving the unit, including making the required payments under a lease rental with option to purchase agreement made to acquire the equipment.

(3) In a municipality, the purchase of police radio equipment.

(4) The:

(A) purchase, construction, renovation, or addition to a building;

(B) purchase of land; or

(C) purchase of equipment;

for use of a provider of emergency medical services under IC 16-31-5 to the unit establishing the fund.

(d) In addition to the requirements of IC 6-1.1-41, before a cumulative fund may be established by a township fire protection district, the county legislative body which appoints the trustees of the fire protection district must approve the establishment of the fund.

**(e) There is established effective January 1, 2011, in each county referred to in section 1(3) of this chapter a cumulative building and equipment fund. The adoption and approval provisions of IC 6-1.1-41 do not apply to the establishment of the fund under this subsection. The tax levy provisions of IC 6-1.1-41 apply to the fund.**

SECTION 97. IC 36-8-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) To provide for the cumulative building and equipment fund established under this chapter, the legislative body may levy a tax on all taxable property within the taxing district in compliance with IC 6-1.1-41. The tax rate may not exceed three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of assessed valuation of property in the taxing district.

(b) As the tax is collected, it shall be deposited in a qualified public depository or depositories and held in a special fund to be known as:

(1) the "building or remodeling, firefighting, and police radio equipment fund" in the case of a municipality; or ~~as~~

(2) the "building or remodeling and fire equipment fund" in the case of a township, **county (after December 31, 2010)**, or fire protection district.

SECTION 98. IC 36-8-19-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.7. (a) Except as otherwise provided, the dissolution of township government under**

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IC 36-6-1.1 and the transfer of fire protection responsibilities to counties under IC 36-2-21 and IC 36-8-13.5 (effective January 1, 2011) does not terminate or otherwise affect a fire protection territory in existence under this chapter as of December 31, 2010.

(b) This subsection applies to a county not having a consolidated city. The following apply on and after January 1, 2011, if a township in the county is a participating unit as of December 31, 2010:

(1) The township ceases to be a participating unit.

(2) The county shall become a participating unit and shall assume the powers, duties, rights, responsibilities, and obligations previously held by the township that was a participating unit (including the township's share of any debt issued under this chapter).

(3) The department of local government finance shall make any necessary adjustments to the maximum permissible ad valorem property tax levy for the county firefighting fund to take into account the transfer of powers, duties, rights, responsibilities, and obligations under this subsection.

(c) This subsection applies to a fire protection territory:

(1) that is located in a county not having a consolidated city;

(2) that includes only unincorporated area within a county; and

(3) in which the only participating units are townships located within the county.

A fire protection territory subject to this subsection as of December 31, 2010, is terminated on January 1, 2011, and the county shall assume the responsibilities and obligations previously held by the townships that were participating units (including the townships' share of any debt issued under this chapter). The department of local government finance shall make any necessary adjustments to the maximum permissible ad valorem property tax levy for the county firefighting fund to take into account the transfer of responsibilities and obligations under this subsection.

SECTION 99. IC 36-8-19-8, AS AMENDED BY P.L.47-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) Upon the adoption of identical ordinances or resolutions, or both, by the participating units under section 6 of this chapter, the designated provider unit must establish a fire protection territory fund from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies,

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contingencies, and all other expenses lawfully incurred within the territory shall be paid. The purposes described in this subsection are the sole purposes of the fund, and money in the fund may not be used for any other expenses. Except as allowed in subsections (d) and (e) and section 8.5 of this chapter, the provider unit is not authorized to transfer money out of the fund at any time.

(b) The fund consists of the following:

(1) All receipts from the tax imposed under this section.

(2) Any money transferred to the fund by the provider unit as authorized under subsection (d).

(3) Any receipts from a false alarm fee or service charge imposed by the participating units under IC 36-8-13-4 **or, after December 31, 2010, IC 36-8-13.5-3.**

(c) The provider unit, with the assistance of each of the other participating units, shall annually budget the necessary money to meet the expenses of operation and maintenance of the fire protection services within the territory, plus a reasonable operating balance, not to exceed twenty percent (20%) of the budgeted expenses. After estimating expenses and receipts of money, the provider unit shall establish the tax levy required to fund the estimated budget. The amount budgeted under this subsection shall be considered a part of each of the participating unit's budget.

(d) If the amount levied in a particular year is insufficient to cover the costs incurred in providing fire protection services within the territory, the provider unit may transfer from available sources to the fire protection territory fund the money needed to cover those costs. In this case:

(1) the levy in the following year shall be increased by the amount required to be transferred; and

(2) the provider unit is entitled to transfer the amount described in subdivision (1) from the fund as reimbursement to the provider unit.

(e) If the amount levied in a particular year exceeds the amount necessary to cover the costs incurred in providing fire protection services within the territory, the levy in the following year shall be reduced by the amount of surplus money that is not transferred to the equipment replacement fund established under section 8.5 of this chapter. The amount that may be transferred to the equipment replacement fund may not exceed five percent (5%) of the levy for that fund for that year. Each participating unit must agree to the amount to be transferred by adopting an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) that specifies an

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1 identical amount to be transferred.

2 (f) The tax under this section is not subject to the tax levy  
3 limitations imposed on civil taxing units under IC 6-1.1-18.5 for any  
4 unit that is a participating unit in a fire protection territory that was  
5 established before August 1, 2001.

6 (g) This subsection applies to a participating unit in a fire protection  
7 territory established under ~~IC 36-8-19~~ **this chapter** after July 31, 2001.  
8 For purposes of calculating a participating unit's maximum permissible  
9 ad valorem property tax levy for the three (3) calendar years in which  
10 the participating unit levies a tax to support the territory, the unit's  
11 maximum permissible ad valorem property tax levy for the preceding  
12 calendar year under IC 6-1.1-18.5-3(a) STEP ONE or  
13 IC 6-1.1-18.5-3(b) STEP ONE is increased each year by an amount  
14 equal to the difference between the:

15 (1) amount the unit will have to levy for the ensuing calendar year  
16 in order to fund the unit's share of the fire protection territory  
17 budget for the operating costs as provided in the ordinance or  
18 resolution making the unit a participating unit in the fire  
19 protection territory; and

20 (2) unit's levy for fire protection services for the calendar year that  
21 immediately precedes the ensuing calendar year in which the  
22 participating unit levies a tax to support the territory.

23 SECTION 100. IC 36-9-3-5, AS AMENDED BY P.L.70-2007,  
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2008]: Sec. 5. (a) An authority is under the control of a board  
26 (referred to as "the board" in this chapter) that, except as provided in  
27 subsections (b) and (c), consists of:

28 (1) two (2) members appointed by the executive of each county in  
29 the authority;

30 (2) one (1) member appointed by the executive of the largest  
31 municipality in each county in the authority;

32 (3) one (1) member appointed by the executive of each second  
33 class city in a county in the authority; and

34 (4) one (1) member from any other political subdivision that has  
35 public transportation responsibilities in a county in the authority.

36 (b) An authority that includes a consolidated city is under the  
37 control of a board consisting of the following:

38 (1) Two (2) members appointed by the executive of the county  
39 having the consolidated city.

40 (2) One (1) member appointed by the board of commissioners of  
41 the county having the consolidated city.

42 (3) One (1) member appointed by the executive of each other

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county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following twenty-one (21) members:

(1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).

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- 1 (B) A town with a population of more than twenty-three  
 2 thousand (23,000) but less than twenty-four thousand  
 3 (24,000).  
 4 (C) A town with a population of more than twenty thousand  
 5 (20,000) but less than twenty-three thousand (23,000).  
 6 (5) One (1) member who is jointly appointed by the fiscal body of  
 7 the following municipalities located within a county with a  
 8 population of more than four hundred thousand (400,000) but less  
 9 than seven hundred thousand (700,000):  
 10 (A) A town with a population of more than eight thousand  
 11 (8,000) but less than nine thousand (9,000).  
 12 (B) A town with a population of more than twenty-four  
 13 thousand (24,000) but less than thirty thousand (30,000).  
 14 (C) A town with a population of more than twelve thousand  
 15 five hundred (12,500) but less than fifteen thousand (15,000).  
 16 (6) One (1) member who is jointly appointed by the following  
 17 authorities of municipalities located in a county having a  
 18 population of more than four hundred thousand (400,000) but less  
 19 than seven hundred thousand (700,000):  
 20 (A) The executive of a city with a population of more than  
 21 nineteen thousand eight hundred (19,800) but less than  
 22 twenty-one thousand (21,000).  
 23 (B) The fiscal body of a town with a population of more than  
 24 nine thousand (9,000) but less than twelve thousand five  
 25 hundred (12,500).  
 26 (C) The fiscal body of a town with a population of more than  
 27 five thousand (5,000) but less than eight thousand (8,000).  
 28 (D) The fiscal body of a town with a population of less than  
 29 one thousand five hundred (1,500).  
 30 (E) The fiscal body of a town with a population of more than  
 31 two thousand two hundred (2,200) but less than five thousand  
 32 (5,000).  
 33 (7) One (1) member appointed by the fiscal body of a town with  
 34 a population of more than thirty thousand (30,000) located within  
 35 a county with a population of more than four hundred thousand  
 36 (400,000) but less than seven hundred thousand (700,000).  
 37 (8) One (1) member who is jointly appointed by the following  
 38 authorities of municipalities that are located within a county with  
 39 a population of more than four hundred thousand (400,000) but  
 40 less than seven hundred thousand (700,000):  
 41 (A) The executive of a city having a population of more than  
 42 twenty-five thousand (25,000) but less than twenty-seven

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- 1 thousand (27,000).  
 2 (B) The executive of a city having a population of more than  
 3 thirteen thousand nine hundred (13,900) but less than fourteen  
 4 thousand two hundred (14,200).  
 5 (C) The fiscal body of a town having a population of more  
 6 than one thousand five hundred (1,500) but less than two  
 7 thousand two hundred (2,200).  
 8 (9) Three (3) members appointed by the fiscal body of a county  
 9 with a population of more than four hundred thousand (400,000)  
 10 but less than seven hundred thousand (700,000).  
 11 (10) One (1) member appointed by the county executive of a  
 12 county with a population of more than four hundred thousand  
 13 (400,000) but less than seven hundred thousand (700,000).  
 14 (11) One (1) member of a labor organization representing  
 15 employees of the authority who provide public transportation  
 16 services within the geographic jurisdiction of the authority. The  
 17 labor organization shall appoint the member. If more than one (1)  
 18 labor organization represents the employees of the authority, each  
 19 organization shall submit one (1) name to the governor, and the  
 20 governor shall appoint the member from the list of names  
 21 submitted by the organizations.  
 22 (12) The executive of a city with a population of more than  
 23 twenty-seven thousand four hundred (27,400) but less than  
 24 twenty-eight thousand (28,000), located within a county with a  
 25 population of more than one hundred forty-five thousand  
 26 (145,000) but less than one hundred forty-eight thousand  
 27 (148,000), or the executive's designee.  
 28 (13) The executive of a city with a population of more than  
 29 thirty-three thousand (33,000) but less than thirty-six thousand  
 30 (36,000), located within a county with a population of more than  
 31 one hundred forty-five thousand (145,000) but less than one  
 32 hundred forty-eight thousand (148,000), or the executive's  
 33 designee.  
 34 (14) One (1) member of the board of commissioners of a county  
 35 with a population of more than one hundred forty-five thousand  
 36 (145,000) but less than one hundred forty-eight thousand  
 37 (148,000), appointed by the board of commissioners, or the  
 38 member's designee.  
 39 (15) One (1) member appointed jointly by the township executive  
 40 of the township containing the following towns:  
 41 (A) Chesterton.  
 42 (B) Porter.

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(C) Burns Harbor.

(D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision. **This subdivision expires December 31, 2010.**

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

(A) Washington Township.

(B) Morgan Township.

(C) Pleasant Township.

(D) Boone Township.

(E) Union Township.

(F) Porter Township.

(G) Jackson Township.

(H) Liberty Township.

(I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision. **This subdivision expires December 31, 2010.**

If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

SECTION 101. IC 36-9-17.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies ~~only to all townships~~ **a township in a county having a consolidated city.**

SECTION 102. IC 36-9-27-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) This section applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) There is established a county drainage advisory committee.

**(c) This subsection applies after January 1, 2011.** The executive of each township in the county shall appoint one (1) resident of ~~his~~ **the executive's** township to serve on the committee. **The term of a member serving on December 31, 2010, expires January 1, 2011.**

**(d) This subsection applies before January 1, 2011.** The executive of the county shall appoint one (1) resident of each township in the county to serve on the committee.

**(e)** Committee members serve for four (4) year terms. Members may not receive per diem or mileage for service on the committee.

~~(c)~~ **(f)** The county drainage advisory committee shall advise and assist the board in the performance of its powers, duties, and functions.

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1 The board or the county legislative body may assign responsibilities to  
 2 the committee concerning drainage. The committee may select one (1)  
 3 of its members as chairman and may meet at ~~his~~ **the chairman's** call  
 4 or at the call of any three (3) of its members.

5 SECTION 103. IC 36-9-28-11 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) After a project  
 7 is completed and approved under this chapter, the care, management,  
 8 control, repair, and maintenance of the project may be placed under the  
 9 jurisdiction of a board of directors appointed under this section.

10 (b) A petition requesting the appointment of a board of directors for  
 11 the project may be filed with the clerk of the circuit court. The petition  
 12 may be signed by:

13 (1) the municipal works board, if all or part of the municipality is  
 14 located in the area affected by the project;

15 (2) **either:**

16 (A) **before January 1, 2011**, the executive and legislative  
 17 body of a township, if all or part of the township is located in  
 18 the area affected by the project; **or**

19 (B) **after December 31, 2010, the executive of a county not**  
 20 **having a consolidated city;**

21 (3) any twenty-five (25) landowners who reside in a municipality  
 22 and whose lands are located in the area affected by the  
 23 improvement; or

24 (4) any twenty-five (25) landowners who do not reside in a  
 25 municipality and whose lands are located in the area affected by  
 26 the project.

27 The petition shall be docketed as a pending action, and the court shall  
 28 fix a time when the petition shall be heard.

29 (c) After the petition is filed and docketed, the clerk of the circuit  
 30 court shall give notice of the hearing by publication in accordance with  
 31 IC 5-3-1. The notice shall be addressed to all persons who were  
 32 originally assessed for the construction of the project.

33 (d) Any person owning land located in the area affected by the  
 34 project may appear at the hearing and be heard, either in person or by  
 35 ~~his~~ **the person's** attorney.

36 (e) If the circuit court determines that a board of directors should be  
 37 appointed and assessments should be imposed for the care,  
 38 management, control, repair, and maintenance of the project, the court  
 39 shall enter a judgment accordingly. If the court enters such a judgment,  
 40 two (2) members of the board of directors shall be appointed by the  
 41 county executive and one (1) member of the board of directors shall be  
 42 appointed by the municipal executive. The three (3) appointed persons

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1 must be qualified under section 12 of this chapter.

2 (f) If the court determines that a board of directors should not be  
3 appointed, it shall dismiss the petition.

4 SECTION 104. IC 36-9-29-8 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) If a flood control  
6 district is established under this chapter, the construction of the flood  
7 control works shall be carried out under the control of a flood control  
8 board, to be known as "Board of Commissioners, \_\_\_\_\_ Flood  
9 Control District" (designating the name of the city instituting the  
10 proceedings for the establishment of the district).

11 (b) The flood control board consists of:

12 (1) the members of the works board of the city petitioning for the  
13 establishment of the flood control district; ~~and~~

14 (2) the executive of each town or township included in whole or  
15 in part in the district; **and**

16 **(3) after December 31, 2010, in the case of a county not having**  
17 **a consolidated city, a person appointed by the county**  
18 **executive.**

19 (c) Before entering upon ~~his~~ **the commissioner's** duties, each  
20 commissioner of the flood control board shall take and subscribe the  
21 usual oath of office, and shall file it with the clerk of the circuit court.

22 (d) If any commissioner of the flood control board fails or refuses  
23 to qualify, or after qualifying fails or refuses to take part in the  
24 proceedings of the board, then the board, by a majority vote, may  
25 petition the circuit court for the appointment of a new commissioner.  
26 After a hearing and a showing of cause, the court may remove the  
27 offending commissioner. If the court removes a commissioner, the  
28 executive of the city shall appoint a new commissioner. The new  
29 commissioner must be a freeholder residing in the part of the district  
30 previously represented by the commissioner removed.

31 (e) Each commissioner of a flood control board is entitled to a salary  
32 fixed by the board, subject to the approval of the legislative body of the  
33 city petitioning for the establishment of the flood control district.

34 (f) Within ten (10) days after the entry of the decree establishing the  
35 flood control district, the commissioners of the flood control board  
36 shall meet at the office of the works board of the city petitioning for the  
37 establishment of the district, and shall organize by electing one (1) of  
38 their number president and one (1) vice president. These officers shall  
39 perform the duties usually pertaining to their offices, and shall serve for  
40 a period of one (1) year or until their successors are elected and  
41 qualified. The board shall also appoint a secretary pro tempore to keep  
42 the records of the proceedings until the board appoints a permanent

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secretary. The minutes of the board shall be kept in a permanent minute book, and the first entry in the book must be a copy of the decree establishing the district and fixing its boundaries.

(g) A majority of the commissioners of the flood control board constitutes a quorum for the transaction of any business. If the board consists of an even number of commissioners and there is a tie vote on any question, the vote of the president on the question is controlling.

(h) The flood control board may:

(1) sue and be sued;

(2) exercise the power of eminent domain;

(3) adopt rules governing the holding of regular meetings, the calling of special meetings, methods of procedure, and similar matters; and

(4) perform all acts necessary and proper for carrying out the purposes of the flood control district.

(i) The office of the flood control board shall be maintained at the office of the works board of the city petitioning for the establishment of the district, or at another place furnished by the city. All records of the board shall be kept at the office and are public records, open to inspection by the public during business hours.

(j) A commissioner, appointee, or employee of the flood control board may not have any direct or indirect interest in any contract let by the board, or in the furnishing of supplies or materials to the board.

SECTION 105. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Subject to subsection (b), this chapter applies to the townships indicated in each section.**

**(b) Powers and duties related to parks and recreation that are imposed by this chapter on a township in a county that does not have a consolidated city are transferred to the county.**

SECTION 106. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies only to townships located in a county having a consolidated city.**

**(b) In a county that does not have a consolidated city, all powers and duties of a township related to parks and recreation are transferred to the county.**

SECTION 107. IC 36-12-1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 7.5. (a) On January 1, 2011, all responsibilities and obligations of a township government with respect to a public library, library district, or provision or receipt**

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1 of library services by contract are terminated, and the township  
2 government's responsibilities and obligations are assumed by the  
3 county.

4 **(b) The dissolution of township government under IC 36-6-1.1**  
5 **does not terminate a public library, library district, or contract for**  
6 **provision or receipt of library services in existence on December**  
7 **31, 2010.**

8 SECTION 108. IC 36-12-2-5, AS ADDED BY P.L.1-2005,  
9 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JANUARY 1, 2011]: Sec. 5. (a) ~~The legislative body of~~ A municipality,  
11 township, county, or part of a county, any of which is not already taxed  
12 for public library purposes, that has:

- 13 (1) a population of at least ten thousand (10,000); or
- 14 (2) an assessed valuation that is at least as high as the median of
- 15 the most recent certified assessed valuation of the ten (10) library
- 16 taxing districts closest in population to ten thousand (10,000);

17 may, **by action of the municipal legislative body, in the case of a**  
18 **municipality, or by action of the county legislative body, in the case**  
19 **of a township, county, or part of a county,** establish a public library  
20 for the residents of the municipality, township, county, or part of the  
21 county.

22 (b) The establishment of the public library may be initiated either  
23 by:

- 24 (1) the legislative body passing a written resolution; or
- 25 (2) filing a petition with the legislative body that has been signed
- 26 by at least twenty percent (20%) of the registered voters of the
- 27 municipality, township, county, or part of a county, as determined
- 28 by the last preceding general election.

29 (c) Not later than ten (10) days after a petition is filed under  
30 subsection (b)(2), the municipality, ~~township,~~ county, or part of a  
31 county shall give notice of the filing of the petition in two (2)  
32 newspapers of general circulation in the county, one (1) of which is  
33 published in the municipality where the library is to be located, if a  
34 newspaper is published in the municipality.

35 (d) Not later than ten (10) days after the publication of the petition  
36 under subsection (c), a registered voter in the municipality, township,  
37 county, or part of a county where the public library is proposed to be  
38 established may file with the respective municipality ~~township,~~ or  
39 county a remonstrance that:

- 40 (1) is signed by registered voters in the municipality, township,
- 41 county, or part of the county where the public library is proposed
- 42 to be established; and

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(2) states that the registered voters who have signed the remonstrance are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection (b)(2) or a remonstrance that is filed under subsection (d):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). An individual who signed the petition, remonstrance, or copy may file the petition, the remonstrance, or a copy. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county where the municipality, township, county, or part of a county where the public library that is proposed to be established is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk shall strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from either the petition or the remonstrance of an individual who:

(i) signed both the petition and the remonstrance; and

(ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Not more than fifteen (15) days after a petition or remonstrance is filed, certify the number of signatures on the petition or remonstrance that:

(i) are not duplicates; and

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(ii) represent individuals who are registered voters in the municipality, township, county, or part of a county where the public library is proposed to be established, on the day the individuals signed the petition or remonstrance.

(D) Establish a record of the clerk's certification in the clerk's office and file:

- (i) the original petition;
- (ii) the original remonstrance, if any; and
- (iii) a copy of the clerk's certification;

with the legislative body of the municipality ~~township~~, or county.

The clerk of the circuit court may only strike an individual's name from a petition or remonstrance as set forth in clauses (A) and (B).

(f) At the first meeting of the legislative body held at least ten (10) days after the publication of the petition, the legislative body shall compare the petition and any remonstrance. Whenever:

- (1) a remonstrance has not been filed; or
- (2) a greater number of voters have signed the petition than have signed the remonstrance against the establishment of the public library;

the legislative body shall establish by written resolution the public library with a library district coextensive with the boundaries of the unit, **township**, or part of a county, whichever is applicable.

(g) The establishment of the public library is effective as of the date the written resolution is passed. The legislative body shall file a copy of the resolution not later than five (5) days after the resolution is passed:

- (1) with the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(h) The legislative body shall give notice to the officials who have the power to appoint members of the library board for the new public library under section 9 of this chapter. The officials shall appoint the library board for the new public library under section 9 of this chapter as soon as possible after the officials are notified.

(i) When the number of registered voters who have signed a remonstrance against the establishment of the public library is equal to or greater than the number who have signed the petition in favor of the establishment of the public library, the legislative body shall dismiss the petition. Another petition to establish a public library may not be initiated until one (1) year after the date the legislative body dismissed

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the latest unsuccessful petition.

SECTION 109. IC 36-12-2-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. This section applies to the appointment of members to the library board of a public library serving a library district that is entirely located in one (1) township and includes part or all of only one (1) municipality. For a public library under this section, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

(1) One (1) member **appointed as follows:**

**(A) If the appointment is made before January 1, 2011, the member is** appointed by the legislative body of the township in which the library district is located.

**(B) If the appointment is made after December 31, 2010, the member:**

- (i) is appointed by the legislative body of the county; and**
- (ii) must reside within the township in which the library district is located.**

(2) One (1) member appointed by the legislative body of the municipality in which the library district is located.

SECTION 110. IC 36-12-3-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) A library board may contract to provide or receive library service from the following municipal corporations:

- (1) Another public library.
- (2) Any unit.

**(b) After December 31, 2010, a library board may contract with a county to provide library service to a township in the county.**

~~(b)~~ (c) A contract for library service between a public library and another municipal corporation must outline the:

- (1) manner and extent of library service; and
- (2) amount of compensation for the extension of library service.

~~(c)~~ (d) This subsection does not apply to municipal corporations described in section 8 of this chapter. A municipal corporation receiving library service shall, **or in the case of a township after December 31, 2010, the county shall:**

- (1) levy a tax sufficient to meet the amount of compensation agreed upon under the contract; and
- (2) expend all funds received under a contract for library services chargeable to the contract.

SECTION 111. IC 36-12-3-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2011]: Sec. 13. A township may appropriate general revenue sharing funds that the township receives under the federal State and Local Fiscal Assistance Act of 1972, as amended, to a Class 1 public library. Other units have A city, town, or county has the authority under IC 36-10-2-4 to aid public libraries through any means available. Any general revenue sharing funds received by a public library shall be deposited in any of the funds outlined in section 11 of this chapter.

SECTION 112. IC 36-12-6-4, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) If a township, ~~or~~ part of a township, **or, after December 31, 2010, the county on behalf of a township or part of a township** is contracting with a library that is extending service through a county contractual library, the township or part of a township, **or, after December 31, 2010, the county on behalf of a township or part of a township:**

- (1) shall cease to levy a separate tax for library purposes; and
- (2) becomes a part of the county contractual library district.

(b) The tax levy for county contractual library purposes shall then be levied in the township or part of a township that has become part of the county contractual library district.

(c) A township, **or after December 31, 2010, a county on behalf of a township**, that ceases to levy a tax for public library purposes in any year becomes a part of the township's county library district or county contractual library district, if either library district exists at the time the township levy is discontinued. The county library or county contractual library tax shall then be levied in the townships.

SECTION 113. IC 36-12-7-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) The library board of a library established as an 1899 township library consists of ~~the school township trustee in the~~ **a member appointed by the school board of the school corporation serving the township** where the library is located and two (2) residents of the township who are appointed by the board of commissioners of the county where the library is located. Appointments are for a term of four (4) years. Members of the library board serve without compensation.

(b) The library board:

- (1) shall control the purchase of books and the management of the library;
- (2) shall possess and retain custody of any books remaining in the old township library in the township where the library is located;

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(3) may receive donations, bequests, and legacies on behalf of the library; and

(4) may receive copies of all documents of the state available for distribution from the director of the state library.

(c) The 1899 township library is the property of the school ~~township~~ **corporation**. The school ~~township trustee~~ **corporation** is responsible for the safe preservation of the township library.

(d) Two (2) or more adjacent townships may unite to maintain a township library. The library is controlled by either:

(1) a combined library board, which consists of each of the uniting township boards appointed under subsection (a); or

(2) the one (1) township library board appointed under subsection (a) of the uniting townships that receives funding for the operation of the uniting township library.

(e) The legislative body of ~~any a county that has a~~ township that contains a library established as an 1899 township library may levy a tax **in the township** annually of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property assessed for taxation in the township. If the legislative body does not levy the tax, a petition signed by at least the number of registered voters required under IC 3-8-6-3 to place a candidate on the ballot may be filed with the circuit court clerk, who:

(1) shall determine if an adequate number of voters have signed the petition; and

(2) if an adequate number of voters have signed the petition, shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall then cause to be printed on the ballot for the township the following question in the form prescribed by IC 3-10-9-4: "Shall a ~~township~~ library tax be levied?".

If a majority of the votes cast on the question in subdivision (2) are in the affirmative, the ~~township trustee~~ **county** shall annually levy a tax of not less than one and sixty-seven hundredths cents (\$0.0167) and not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property in the township for the establishment and support of a township library. The township tax shall be levied, assessed, collected, and paid according to the procedure outlined in IC 6-1.1.

(f) The tax levy under subsection (e) shall be discontinued when the question of discontinuing the levy has been submitted to a vote according to the procedure provided in subsection (e) and the majority of the votes cast on the question is in the negative.

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(g) If a public library that is open for the use of all the residents of the township is located in the township, the proceeds of the tax collected under subsection (e) shall be paid to that public library.

(h) In a township outside a city that contains a library:

(1) established by private donations of the value of at least ten thousand dollars (\$10,000), including the real estate and buildings used for the library; and

(2) used for the benefit of all the inhabitants of the township;

the ~~township trustee of the township~~ **county legislative body** shall annually levy and collect not more than two cents (\$0.02) on each one hundred dollars (\$100) upon the taxable property within the limits of the township. The money shall be paid to the trustees of the library, to be applied by the trustees for the purchase of books and the payment of the maintenance costs for the library. When it becomes necessary to purchase additional ground for the extension or protection of library buildings already established by private donation, ~~the trustee, with the consent of~~ the county legislative body, may annually levy and collect not more than one and sixty-seven hundredths cents (\$0.0167) on each one hundred dollars (\$100) of taxable property of the township for not more than three (3) years successively, to be expended by the trustees for the purchase of property and the construction and enlargement of library buildings.

(i) The 1899 township library is free to all the residents of the township.

SECTION 114. IC 36-12-12-4, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) If the library board passes a resolution under section 3 of this chapter, not later than ten (10) days after passing the resolution the board shall transmit a certified copy of the plan to the appropriate fiscal body or fiscal bodies, whichever applies. The appropriate fiscal body is determined as follows:

(1) If the library district is located entirely within the corporate boundaries of a municipality, the appropriate fiscal body is the fiscal body of the municipality.

~~(2) If the library district is not described by subdivision (1) and the district is located entirely within the boundaries of a township, the appropriate fiscal body is the fiscal body of the township.~~

~~(3) (2) If the library district is not described by subdivision (1), or (2), the appropriate fiscal body is the fiscal body of each county in which the library district is located.~~

(b) The appropriate fiscal body shall hold a public hearing on the plan not later than thirty (30) days after receiving a certified copy of the

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plan and either reject or approve the plan before August 1 of the year that the plan is received.

SECTION 115. IC 36-12-14-2, AS AMENDED BY P.L.224-2007, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. An appointed library board subject to section 1 of this chapter shall submit its proposed operating budget and property tax levy for the operating budget to the following fiscal body at least fourteen (14) days before the first meeting of the county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008) under IC 6-1.1-29-4:

(1) If the library district is located entirely within the corporate boundaries of a municipality, the fiscal body of the municipality.

~~(2) If the library district:~~

~~(A) is not described by subdivision (1); and~~

~~(B) is located entirely within the boundaries of a township; the fiscal body of the township.~~

~~(3) (2) If the library district is not described by subdivision (1), or (2), the fiscal body of each county in which the library district is located.~~

SECTION 116. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2011]: IC 36-6-1.5; IC 36-6-1.6; IC 36-6-6-2.1; IC 36-12-1-13; IC 36-12-5-2; IC 36-12-5-3; IC 36-12-5-4.

SECTION 117. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "incumbent trustee" refers to an individual elected to the office at the November 7, 2006, general election.

(b) As used in this SECTION, "office" refers to the office of township trustee.

(c) Notwithstanding IC 36-6-1.1, as added by this act, and IC 36-6-4, IC 36-6-7, and IC 36-6-8, all as amended by this act, an incumbent trustee holding an office that is abolished by this act is entitled to serve in the office through December 31, 2010.

(d) This SECTION expires July 1, 2011.

SECTION 118. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "incumbent township board member" refers to an individual elected to the office at the November 2, 2004, general election.

(b) As used in the SECTION, "office" refers to the office of a member of the township legislative body.

(c) Notwithstanding IC 36-6-1.1, as added by this act, and IC 36-6-6 and IC 36-6-8, both as amended by this act, an

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1 incumbent township board member holding an office that is  
 2 abolished by this act is entitled to serve in the office through  
 3 December 31, 2008.

4 (d) The successor to the incumbent township board member  
 5 described in subsection (c):

6 (1) shall be elected to the office at the general election to be  
 7 held in 2008; and

8 (2) shall serve a term of office through December 31, 2010.

9 (e) This SECTION expires July 1, 2011.

10 SECTION 119. [EFFECTIVE JULY 1, 2008] The legislative  
 11 services agency shall prepare legislation for introduction in the  
 12 2009 regular session of the general assembly to organize and  
 13 correct statutes affected by this act, if necessary.

14 SECTION 120. [EFFECTIVE JULY 1, 2008] (a) The definitions  
 15 in IC 20 apply throughout this SECTION.

16 (b) Before July 1, 2011, a school township that is in existence on  
 17 July 1, 2008, shall reorganize under IC 20-23. The governing body  
 18 shall hold public hearings to discuss the methods of reorganization  
 19 available to the school township and seek testimony from the  
 20 public, community and business leaders, teachers, administrators,  
 21 and other school employees concerning the appropriate form for  
 22 the reorganization.

23 (c) This subsection applies if a governing body does not develop  
 24 a reorganization plan under IC 20-23 that will be implemented  
 25 before July 1, 2013. After June 30, 2011, the state board shall  
 26 develop a reorganization plan for a school township to which this  
 27 subsection applies and require the governing body to implement  
 28 the plan.

29 (d) This SECTION expires July 1, 2013.

30 SECTION 121. [EFFECTIVE JULY 1, 2008] (a) Each township  
 31 assessor whose duties relating to property assessment are  
 32 transferred to the county assessor under this act shall organize the  
 33 records of the township assessor's office relating to those duties in  
 34 a manner prescribed by the department of local government  
 35 finance and transfer the records to the county assessor in the  
 36 manner and at the time directed by the department of local  
 37 government finance. The department of local government finance  
 38 shall determine a procedure and schedule for the transfer of the  
 39 records.

40 (b) Each township assessor referred to in subsection (a) and the  
 41 county assessor shall assist each other and coordinate their efforts  
 42 to ensure an orderly transfer of all township assessor records to the

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1 county assessor and to provide for an uninterrupted and  
 2 professional transition of the property assessment functions from  
 3 the township assessor to the county assessor consistent with the  
 4 directions of the department of local government finance and this  
 5 act.

6 (c) This SECTION expires January 1, 2012.

7 SECTION 122. [EFFECTIVE JULY 1, 2008] (a) This act does not  
 8 affect any assessment, assessment appeal, or other official action  
 9 of a township assessor made before the transfer of duties of the  
 10 township assessor relating to property assessment. Any assessment,  
 11 assessment appeal, or other official action of a township assessor  
 12 made by a township assessor within the scope of the township  
 13 assessor's official duties under IC 6-1.1 or IC 36-6-5 before the  
 14 transfer of duties to the county assessor shall be considered as  
 15 having been made by the county assessor.

16 (b) This act does not affect any pending action against, or the  
 17 rights of any party that may possess a legal claim against, a  
 18 township assessor that is not described in subsection (a).

19 (c) This SECTION expires January 1, 2012.

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